

Framework contract MARE/2011/01
Evaluation and impact assessment activities
for DG MARE

Lot 3 – Retrospective and prospective evaluations on the international dimension of the common fisheries policy

Specific contract n° 7

Ex ante evaluation of a possible future fisheries partnership agreement and protocol between the European Union and the United Republic of Tanzania



Final Report
February 2014

WIORo3D

This report has been prepared with the financial support of the European Commission.
The views expressed in this study are those of the authors and do not necessarily reflect the views of the European Commission or of its services.

The content of this report may not be reproduced, or even part thereof, without explicit reference to the source.

This report must be cited as follows:

NFDS, POSEIDON, COFREPECHE and MRAG, 2014. Ex ante evaluation of a possible future fisheries partnership agreement and protocol between the European Union and the United Republic of Tanzania (Framework contract MARE/2011/01 – Lot 3, specific contract 7). Brussels, 108 p.

Cover photo : Per Erik Bergh, NFDS – Fishing vessel in Tanzania, July 2013

COFREPECHE: 32 rue de Paradis, 75010 Paris, France. info@cofrepeche.fr

Final Report
Final version

Report ref.: WIOR03D
Number of pages: 108 (all included)

Date issued: 26 February 2014

Action	First name	Surname	Organisation Position
Author(s)	Sandy	Davies	NFDS Team leader
	Peter	Manning	NFDS Fisheries economist
	Philippe	Cacaud	NFDS MCS and legal expert
Peer review	Robert	Wakeford	MRAG Director
Proofreading	Sandy	Davies	NFDS Team leader
Editing	Anna	Mees	MRAG (Editor)
Approval	Graeme	Macfadyen	POSEIDON Director
Validation	Vincent	Defaux	COFREPECHE

Executive summary

Introduction

1. This report provides an ex ante evaluation of a possible Fisheries Partnership Agreement (FPA) and Protocol between the European Union (EU) and the United Republic of Tanzania (URT). Following informal communication between staff from the EU's Directorate-General for Maritime Affairs and Fisheries (DG MARE) and officials from the URT, which took place on the fringes of the annual Indian Ocean Tuna Commission (IOTC) meeting in May 2013, the URT expressed interest (in a series of email communications with DG MARE) in a possible FPA/Protocol with the EU. Given interest by EU Member State stakeholders in an FPA/Protocol, the evaluation is intended to inform a decision as to whether to provide a mandate to the European Commission to negotiate an FPA/Protocol with the URT on behalf of the EU. This ex ante evaluation of a possible FPA/Protocol between the EU and the URT is informed by a regional analysis of tuna fisheries in the Western Indian Ocean (WIO), which provides background information of relevance to this ex ante evaluation (Poseidon et al., 2014), hereafter referred to as the regional report. This evaluation was completed between September and December 2013, and was based on: a review of relevant literature; consultations with regional organisations in the WIO; a visit by the contractors to the URT (23 to 27 September 2013); and relevant consultations in the EU with European Commission services, the European External Action Service (EEAS), Member State administrations and the private sector.

Background

2. The URT, in southeast Africa is composed of mainland Tanzania and Tanzania Island (Zanzibar) and it shares borders to the south with Mozambique, Malawi and Zambia; to the west with the Democratic Republic of Congo, Burundi and Rwanda; and to the north with Uganda and Kenya. The URT's coastline is 1 424 km long, its exclusive economic zone (EEZ) is estimated to be 241 541 km² and it borders the WIO. The diverse marine fishery resources, including demersal finfish, crustacean and highly migratory species, including tuna and tuna-like species provide 15 % of the overall fishery catch of the URT and they provide the basis for small-scale and industrial fisheries sub-sectors.
3. The Union Government, that administrates issues pertaining to both mainland Tanzania and Zanzibar and the government of mainland Tanzania are merged and thus represented by the same administration, while the semi-autonomous Zanzibar has its own government, known as the Revolutionary Government of Zanzibar. In October 2010, in the fourth multiparty elections of the URT, President Kikwete of the ruling Chama Cha Mapinduzi party was re-elected for a second term. The URT through a process set out in the Constitutional Review Act (2011) has been reviewing its Constitution, in November 2013 a second amendment to the Constitutional Review Act was passed to incorporate wider participation in the Constituent Assembly that now has 201 members, including ten representatives from fisheries associations.
4. In 1989, the URT enacted the Territorial Sea and Exclusive Economic Zone Act establishing a 12 nautical mile territorial sea and an EEZ extending to 200 nautical miles. There are no present disputes over maritime boundaries between the URT and neighbouring countries. In 2012 the URT prepared a Submission to the United Nations Commission on the Limits of the Continental Shelf, pursuant to article 76 of the 1982 Law of the Sea Convention, claiming an extension of its continental shelf beyond 200 nautical miles from the territorial sea baselines. The outer limit of the extended continental shelf claimed by the URT encloses an area of approximately 61 000 km².
5. The URT is one of the world's least-developed countries. In 2012, gross domestic product (GDP) was EUR 21.08 billion; GDP per capita was EUR 455; inflation was 8 % and the overall macroeconomic performance was strong. The World Bank Doing Business Guide ranks the URT 134 of 185; although this is relatively low on a global scale, it is above the sub-Saharan average of 140. The URT's population is 47 million with a growth rate of 1.96 % but this is slowly declining. The URT is a low-income food-deficit country; however, a rise in the Human Development Index from 0.353 in 1990 to 0.476 in 2012 indicates improvements in health, education and income, although from a relatively low base. The fisheries sector is important for nutrition with 21 % of the total animal protein consumed being provided from fish and fishery

products (mainly from inland fisheries). In 2010 fisheries production was estimated at 350 000 t with exports of EUR 115 million making up about 1.4 % of the URT's GDP.

6. The URT is a member of the African Union, the East African Community and the Southern African Development Community. With respect to fisheries, the URT is a member of the Indian Ocean Tuna Commission (IOTC), the Southwest Indian Ocean Fisheries Commission, the Western Indian Ocean Tuna Organization, the International Whaling Commission and the Western Indian Ocean Marine Science Association. The URT's external relations have seen it benefit from a number of EU and non-EU donor projects supporting improved fisheries research and conservation, mostly through participation in a number of regional projects (for example, SmartFish, African, Caribbean and Pacific (ACP) FISH II, South West Indian Ocean Fisheries Project) as well as various initiatives introduced in response to the 2007/08 food crisis. Of particular importance has been the Marine and Coastal Environment Management Project, funded by a World Bank loan of EUR 48 million between 2005 and 2013, the evaluation of the project assessed it to have been 'moderately unsatisfactory'.
7. The URT has non-reciprocal trade preferences with Australia, Canada, EU, Japan, New Zealand and the United States of America. The URT is negotiating an Economic Partnership Agreement (EPA) with the EU through the East and Southern Africa EPA group although many issues remain unresolved and are slowing progress. Trade is consistently imbalanced with imports exceeding the value of exports; the URT is amongst the countries in central, eastern and southern Africa with the largest foreign trade in fisheries products, exporting high-value products such as Nile perch and shrimp, mainly to Europe.

Fisheries governance in the URT

8. Fisheries are not a Union matter. The management of fisheries is shared between mainland Tanzania, through the Ministry of Livestock and Fisheries Development (MLFD) for the management of inland fisheries on the mainland and for marine fisheries within the territorial waters off the mainland coastline, and Zanzibar, through the Ministry of Livestock and Fisheries (MLF) for the management of fisheries within the territorial waters around Zanzibar and Pemba islands. The Deep Sea Fishing Authority (DSFA), located in Zanzibar, is responsible for the management of fisheries resources in the URT EEZ. The DSFA is also empowered to negotiate fisheries access agreements (including FPA) on behalf of the URT government. Once agreed these agreements have to be ratified by the URT Parliament. The DSFA has three organs: the Executive Committee, the Technical Advisory Committee and the Directorate General.
9. The National Fisheries Sector Policy and Strategy Statement of 1997 aims to promote conservation, development and sustainable management of the fisheries resources for the benefit of present and future generations. A Tuna Fishery Management Strategy has recently been adopted and a new policy framework is under development, including a National Fisheries Sector Policy and a Fisheries Sector Development Strategy. The Strategy provides for the establishment of a National Steering Committee for tuna fisheries management and a Tuna Fisheries Management Secretariat in the MLFD and in the MLF. The strategy has 11 goals, including, of interest to a future FPA/Protocol to sustainably utilise the fisheries resources by controlling harvesting within internationally and regionally recognised limits; strengthen the government framework to harmonise and implement fisheries management policies and practices at national, regional and international levels; attain an optimum balance in relation to access and use of the tuna resource among all stakeholders; and to strengthen regional and international collaboration in the sustainable exploitation, management and conservation of resources in the EEZ.
10. In respect of international commitments, the URT ratified the 1982 United Nations Convention on the Law of the Sea in 1985 and the 1993 Compliance Agreement to promote compliance on the high seas in 1999. The Deep Sea Fishing Authority Act, 1998 as amended in 2007 and the regulations made thereunder are the main fisheries legal instruments governing fishing activities in the URT EEZ. The DSFA is responsible for negotiating and authorising access to fisheries resources in the URT EEZ and the 2009 Regulations provide the framework for this, with fishing authorisations costing approximately EUR 7 000 for longliners for three months and approximately EUR 27 000 for purse seiners for 12 months. The Regulations specify that in association with these authorisations the following are required: a pre-inspection of fishing vessels in a URT

port; the landing of bycatch in a URT port; the carrying of a vessel tracking device on fishing vessels; the reporting of entry into and exit from the URT EEZ; the keeping of a fishing logbook and a landing logbook; the transshipment of fisheries resources at designated ports under the supervision of a fishery inspector; and the taking of an observer when requested to do so.

11. The Zanzibar fishing vessel register has recently been relocated to the Zanzibar Maritime Authority and as of October 2013 the Zanzibar fishing vessel register now only includes nine vessels owned by URT citizens. This has cleared up what was previously considered an open registry with associated illegal, unreported and unregulated (IUU) fishing issues. Considering the size and scale of the fisheries there is a relatively low level of funds and human capacity allocated to implement monitoring, control and surveillance (MCS) operations within the EEZ resulting in limited deterrence from illegal, unreported and unregulated fishing and limitation on the URT's ability to effectively manage its fisheries sector or to enforce IOTC Resolutions. In general monitoring, control and surveillance, observer and at-sea enforcement capabilities are low; the DSFA relies on its vessel monitoring system to monitor authorised vessels but has limited capacity to locate illegal fishing vessels in its EEZ.
12. In respect of the EU IUU Catch Certificate Scheme laid down in Council Regulation (EC) No 1005/2008 and subsequent legislation for third countries exporting marine fisheries products to the EU, the URT as a flag State notified the EU certifying that a) it has in place national arrangements for the implementation, control and enforcement of laws, regulations and conservation and management measures, which must be complied with by its fishing vessels, and b) its public authorities are empowered to attest the veracity of the information contained in catch certificates and to carry out verifications of such certificates on request from the Member States. Hence, the URT can validate EU catch certificates for fishery products. However, all fisheries products exported to the EU are sourced from artisanal fisheries as there is no landing and processing of fish from industrial fishing vessels.

The domestic fishing sector in the URT

13. The URT has nine longliner vessels that are not reported to be catching within URT waters or landing any catch in the URT. The artisanal marine sector has approximately 14 000 boats and some of the larger powered ones are involved in the tuna fishery as part of their multi-species fisheries strategy. These vessels operate within six nautical miles of the coast and they caught around 2 500 t of tuna in 2012. The domestic prawn/shrimp and demersal fisheries are also exploited by small-scale vessels, and while research is poor, stocks are probably overfished and subject to overfishing (despite the lack of any industrial activity) due to limited fisheries management. The only services that are offered to foreign vessels are in the port of Dar es Salaam where emergency repairs and supplies can be provided. The Competent Authority in respect to health and sanitary issues in the URT is the Fisheries Development Division for the official control of fishery products to be exported to the EU.

Distant water fishing vessel activity in Tanzania's EEZ

14. There is no active fisheries agreement between the URT and any other government. Two Memoranda of Understanding exist with organisations representing Spanish owners of purse seine vessels (ANABAC and OPAGAC) and a Memorandum of Understanding is currently being negotiated with ORTHONGEL, representing French owners of tuna purse seiners. In 2013 the DSFA issued 25 12-month authorisations for purse seiners (Spain (14), France (2) Seychelles (7) and South Korean (2)) generating a total revenue of approximately EUR 655 000. In 2011 and 2012 no foreign-flagged longliners applied for authorisations to fish in the URT EEZ, reportedly because of piracy. With the decrease of piracy activities, longliners will return to the URT EEZ in 2014.
15. The purse seine fishery in the WIO is dominated by the EU fleet, which accounts for 75 % of total purse seine catches. This fleet operates all year round and follows tuna fish stocks throughout their migration range, resulting in catches in different EEZs that can vary considerably from one year to the next. In 2012 a total of 6 561 t of tuna (yellowfin, skipjack and bigeye) was reported to the URT as caught in its EEZ by purse seine vessels. Dependency for the EU purse seine fleet in the WIO on catches from the URT EEZ is

estimated to be around 1 % to 2 % yearly. Therefore, securing access rights to the URT EEZ is important in terms of fishing strategy.

Evaluation findings

16. The key need of a possible FPA/Protocol that is shared by both the EU and the URT is the sustainability of capture fisheries production occurring in the region and migrating through the URT's waters. This requires that relevant parties (i.e. the EU, regional organisations such as the IOTC, and the URT's administration) continue to work together in partnership to enhance capacities both within the URT and at the regional level, to help to foster improved governance, continued developments in science, implementation of fisheries policy, continued developments in monitoring, control and surveillance and reductions in illegal, unregulated and unreported fishing. EU purse seine vessels in the WIO target skipjack tuna, yellowfin tuna and bigeye tuna. Longline vessels target swordfish and shark but also catch some tuna. All target species are assessed by the IOTC as not being overfished or subject to overfishing. Other shared needs of both the EU and the URT include the need for a possible FPA/Protocol to be concluded in the spirit of fair, transparent, an equitable cooperation and respect for human rights and democratic principles, to aim at sharing benefits fairly between the two parties.
17. The URT has a need from a possible FPA/Protocol to maximise revenue and provide support for its domestic tuna sector in line with its Tuna Fisheries Development and Management Strategy and the proposed amendments to the DSFA regulations (i.e. support for the artisanal sector, value addition, improved MCS, etc.). The URT also has a need that any sectoral support funding should pay particular attention to the activities identified and either funded or not funded by the SWIOFish project, to ensure coherence and to reduce any overlap.
18. The EU requirements from a possible FPA/Protocol with the URT include fishing opportunities for 22-40 purse seine vessels to access the skipjack, yellowfin, bigeye and albacore tuna resources, and around five longline fishing opportunities to be provided on a trial/experimental basis. In the case of both fleets, the need is for opportunities to target highly migratory species, i.e. tuna and tuna-like species, to support its network of fishing opportunities for the EU fleet fishing in the WIO. A particular requirement for the EU fleet is to increase the security of fishing opportunities, as currently EU purse seine vessels negotiate yearly authorisations under private agreements. In relation to bycatch, while recognising the legitimate desire of the URT to increase food security, given the nature of tuna fisheries in terms of the migratory patterns of fish and the lack of landings in the URT it would be difficult for the EU vessels to comply with the requirement to land their bycatch in the URT. To meet the requirements of EU processors and consumers, the inclusion of purse seine and longline fishing opportunities in a possible FPA/Protocol is also needed to maintain adequate supply especially as demand increases.
19. Previous evaluations of FPAs/Protocols in the WIO, for example with Seychelles and Comores, and the information contained in this report and in the regional report, suggest a number of important lessons learned from the past. Some of the most important are that:
 - Attempts in the 1990s and mid-2000s by the EU and the URT to sign an FPA were not successful, suggesting that successful conclusion of FPAs/Protocols is not assured even if a mandate is given for negotiation. Other FPAs/Protocols in the region have however been successfully concluded;
 - Current private access arrangements by EU vessels with the URT indicate likely demand by the EU purse seine fleet for an FPA/Protocol. There are currently no private agreements with EU longline vessels to fish in URT waters and the use of longline opportunities in other FPAs/Protocols in the WIO has sometimes been low. However, the improving piracy situation, if sustained, could encourage such vessels to fish in URT waters in the future if fishing opportunities are provided;
 - EU purse seine and longline activity in the fishing zones of countries in the WIO region result in considerable direct economic and employment benefits in the catching sector, upstream supply sector, and downstream landings and processing sector. While the benefits created by the longline fleet are not well documented, the annual economic and social benefits generated by the activities of the purse seine fleet alone are estimated to be 420+ jobs and EUR 140 million of value added in the

EU, and 4 000+ jobs and EUR 22 – 40 million of value added in the WIO. The high level of processing of catch within the region and the resulting economic and social benefits, are of special note, although the URT does not process industrially caught tuna; and

- Catches made in the WIO by EU purse seine and longline vessels contribute significantly to the EU market, with product flows to the EU from the WIO of around 99 000 t of canned tuna, 18 000 t of loined tuna, 11 000 t of frozen tuna for processing, and 7 200 t of frozen tuna for direct consumption in 2012.

20. This evaluation specifies the environmental, economic and social objectives of a possible FPA/Protocol, and outlines two policy options, or interventions, to be evaluated. The first represents the status quo and is an option not to have an FPA/Protocol. The second is an option to have an FPA/Protocol. For both options, in matching the needs stated above, it is assumed that 22-40 purse seine vessels and around five longline vessels would use fishing authorisations to fish in URT waters. Under option 1 they would do so under private access agreements, and there would be not sectoral support funding from the EU.
21. Option 2 is the preferred option. While options 1 and 2 would both have the same impacts in terms of employment and value-added in the EU, the overall objectives of sustainable exploitation and human rights and democratic principles would be less likely to be achieved under option 1 if there was no FPA/Protocol. Given that exploitation of catches in a sustainable manner is the fundamental underpinning for long-term economic and social benefits for both parties, option 2 should be preferred. Option 2 would also serve to meet the key need of EU vessels for improved security of access. A summary comparison of the two options, including these and additional points, is provided in the table below.
22. The added value of EU/DG MARE involvement in an FPA/Protocol comprises coherence, synergies and the avoidance of duplication with other donor activities (such as the SWIOFish) and government policy/strategies in terms of the sectoral support funding provided; coherence with EU linkages with the URT, for example development policy/funding; support for regional efforts by IOTC and other regional organisations aimed at improving tuna fisheries management, i.e. improvements in monitoring, control and surveillance, reductions in illegal, unregulated and unreported fishing; the likely requirement to have EU vessels employ URT or ACP crew (or to pay an additional financial contribution if they do not); and a strengthened role of the EU within IOTC under option 2 (i.e. an FPA/Protocol) would contribute to reinforcing the position of the EU in the region.
23. In relation to the appropriate method of implementation of the preferred option (to have an FPA/Protocol between the EU and the URT), the Council of the EU must first be provided with this ex ante evaluation and the regional report, and the European Commission must then be given a mandate to negotiate an FPA/Protocol with the URT on behalf of the EU. The European Commission and the URT should then prepare for, and complete negotiations regarding the detailed content of the FPA/Protocol. The content of the FPA/Protocol would then need to be approved by the URT government, and by the Council of the EU and the European Parliament under a consent process. With respect to monitoring and evaluation, the most appropriate method of implementation would be for the EU to develop a logframe for the intervention, to jointly agree a policy support matrix for the EU and the URT, for a Joint Committee to oversee implementation, and for an evaluation to be completed, before the Protocol expires.

Option 1 (no FPA/Protocol) – key benefits/costs/risks	Option 2 (an FPA/Protocol) – key benefits/costs/risks
<p><u>Support for sustainability objectives</u> – low: as access conditions would not cover many issues typically included in FPA/Protocol/Annex texts, and there would be no sectoral support funding or Joint Committee monitoring.</p> <p><u>Relevance to needs</u> – medium: same as option 2, but no sectoral support funding in support of fisheries sector management needs.</p> <p><u>Effectiveness</u> – medium: yearly negotiation process flexible/adaptive to changes in fish prices and rates of utilisation, but risk of failing to agree the basis for access and lower security of access provided to vessels.</p> <p><u>Efficiency</u> – unclear: without information/assumptions about costs of access.</p> <p><u>Coherence</u> – low: between access arrangements and other EU-linkages with the URT, and with EU's role as a member of the IOTC.</p> <p><u>Risks</u> – the lack of benefits resulting from option 2.</p>	<p><u>Support for sustainability objectives</u> – high: through the content of FPA/Protocol/Annex text and financial contributions for sectoral support funding.</p> <p><u>Relevance to needs</u> – medium/high: no (or insignificant) increase in total catches for the EU fleet, or upstream or downstream benefits/linkages in the EU or the URT over option 1. But increased security of network of fishing opportunities for EU fleet, and financial contributions to the URT used for sectoral support needs.</p> <p><u>Effectiveness</u> – medium: a three-year assumed protocol providing good security of rights for vessels (subject to any reassessment of fishing opportunities), but low flexibility to match costs of access to changes in fish prices and utilization.</p> <p><u>Efficiency</u> – unclear: without economic/financial modelling and with financial contributions not known. Risk of low efficiency and value for money for the EU if there is low utilisation of fishing opportunities.</p> <p><u>Coherence</u> – high: between access arrangements and other EU-linkages with the URT, and with EU's role as a member of the IOTC.</p>
	<p><u>Risks</u> – failure to agree a FPA/Protocol and sectoral support matrix, low utilisation, and weak monitoring of the FPA/Protocol by the Joint Committee.</p>

Source: consultants' compilation

24. Given i) the typical content of the text of FPAs/Protocols, ii) reform of the external dimension of the common fisheries policy (CFP), and iii) the EU's status as a member of the IOTC, it can be expected that an FPA/Protocol will be fully coherent with the CFP (and its reform), with IOTC arrangements and with the EU's international obligations. The sectoral support matrix would also ensure that the FPA/Protocol is fully coherent with the national fisheries sectoral policy in the URT. Appropriations from the EU budget would be determined by levels of financial contribution to be paid by the EU to the URT for access and sectoral support. The exact amounts involved cannot be estimated at this stage.

Résumé

Introduction

1. Ce rapport est une évaluation ex ante d'un éventuel accord de partenariat dans le domaine de la pêche (APP) et son protocole entre l'Union européenne (UE) et la République unie de Tanzanie (RUT). Suite à la communication informelle entre le personnel de la direction générale de la pêche et des affaires maritimes (DG MARE) de l'UE et les représentants de la RUT, qui a eu lieu en marge de la réunion annuelle de la Commission des thons de l'océan Indien (CTOI) en mai 2013, la RUT a exprimé son intérêt (dans une série d'emails avec la DG MARE) pour un possible APP/protocole avec l'UE. Étant donné l'intérêt des parties prenantes des États membres de l'UE pour un APP/protocole, l'évaluation doit donner les informations nécessaires pour prendre une décision quant à la possibilité de fournir ou pas un mandat à la Commission européenne afin de négocier un APP/protocole avec la RUT au nom de l'UE. Cette évaluation ex ante d'un éventuel APP/protocole entre l'UE et la RUT est basée sur une analyse régionale des pêches thonières dans l'océan Indien occidental (OIO), qui apporte des informations contextuelles pertinentes pour cette évaluation ex ante (Poseidon et al., 2014), ci-après dénommée le rapport régional. Cette évaluation a été réalisée entre septembre et décembre 2013, et est basée sur : une revue littéraire pertinente ; des consultations avec les organisations régionales de l'OIO ; une visite des contractants en RUT (du 23 au 27 septembre 2013) ; ainsi que des consultations pertinentes dans l'UE avec les services de la Commission européenne, le Service européen pour l'action extérieure (SEAE), les administrations des États membres et le secteur privé.

Contexte

2. La RUT, en Afrique du sud est, est composée de la Tanzanie continentale et de l'île de la Tanzanie (Zanzibar) et partage ses frontières avec le Mozambique, le Malawi et la Zambie au sud, avec la République démocratique du Congo, le Burundi et le Rwanda à l'ouest et avec l'Ouganda et le Kenya au nord. La côte de la RUT s'étend sur 1 424 km de long, sa zone économique exclusive (ZEE) est estimée à 241 541 km² et borde l'OIO. Les différentes ressources de la pêche marine, y compris les poissons démersaux à nageoire, les crustacés et les espèces hautement migratoires, comprenant les thons et les espèces apparentées fournissent 15 % de la globalité des captures de pêche de la RUT et la base des sous-secteurs de pêches industrielles et de petite échelle.
3. Le gouvernement de l'Union, qui gère les thématiques relatives à la Tanzanie continentale et à Zanzibar et le gouvernement de la Tanzanie continentale ont fusionné et sont ainsi représentés par la même administration, tandis que Zanzibar est semi-autonome et possède son propre gouvernement, connu comme le gouvernement révolutionnaire de Zanzibar. En octobre 2010, lors des quatrième élections multipartites de la RUT, le président Kikwete du parti au pouvoir Chama Cha Mapinduzi a été réélu pour un deuxième mandat. Au travers d'un processus fixé dans la loi relative à la révision de la Constitution (de 2011), la RUT a révisé sa Constitution, en novembre 2013 un second amendement à la loi relative à la révision de la Constitution a été adopté afin d'incorporer une plus large participation à l'Assemblée constituante qui compte désormais 201 membres, y compris dix représentants d'associations de pêches.
4. En 1989, la RUT a promulgué la loi relative à la mer territoriale et à la zone économique exclusive établissant une mer territoriale de 12 milles nautiques et une ZEE s'étendant sur 200 milles nautiques. Il n'existe actuellement aucun différend au sujet des frontières maritimes entre la RUT et ses pays voisins. En 2012, la RUT a adressé une demande pour la Commission des limites du plateau continental des Nations Unies, conformément à l'article 76 de la Convention sur le droit de la mer de 1982, revendiquant une extension du plateau continental au-delà des 200 milles nautiques des lignes de base de la mer territoriale. La limite extérieure du plateau continental étendu revendiqué par la RUT clôture une aire d'environ 61 000 km².
5. La RUT est un des pays les moins développés au monde. En 2012, le produit intérieur brut (PIB) était de 21,08 milliards d'euros ; le PIB par habitant était de 455 EUR ; l'inflation était de 8 % et la performance macroéconomique globale était bonne. Le *Doing Business Guide* [guide des affaires] de la Banque mondiale classe la RUT au 134^e rang sur 185 pays, bien que cela soit relativement bas sur une échelle globale, elle est au-dessus de la moyenne sub-saharienne de 140. La population de la RUT compte 47 millions d'humains

avec un taux de croissance de 1,96 % mais qui décline lentement. La RUT est un pays à faible revenu et à déficit alimentaire, cependant, une augmentation de l'indice de développement humain de 0,353 en 1990 à 0,476 en 2012 indique des améliorations dans le domaine de la santé, l'éducation et la sécurité du revenu, bien que partie d'un niveau relativement bas. Le secteur des pêches est important pour la nutrition avec 21 % du total des protéines animales consommées provenant des poissons ou de produits de la mer (principalement des pêches continentales). En 2010, la production des pêches était estimée à 350 000 t avec des exportations représentant 115 millions d'euros et faisant croître de 1,4 % le PIB de la RUT.

6. La RUT est membre de l'Union africaine, de la communauté de l'Afrique de l'est et de la Communauté de développement de l'Afrique australe. Concernant les pêches, la RUT est un membre de la Commission des thons de l'océan Indien (CTOI), de la Commission des pêches pour le sud-ouest de l'océan Indien, de l'Organisation des thons de l'océan Indien occidental, de la Commission internationale de la chasse à la baleine et de l'Association des sciences de la mer de l'océan Indien occidental. Les relations externes de la RUT se sont vues bénéficier d'un certain nombre de projet de donateurs de l'UE et non ressortissants de l'UE soutenant une meilleure conservation et une meilleure étude des pêches, principalement au travers de sa participation à un certain nombre de projets (par exemple, *SmartFish*, *African*, *Caribbean and Pacific (ACP) FISH II*, *South West Indian Ocean Fisheries Project*) comme à des initiatives variées lancées suite à la crise alimentaire de 2007/2008. Une importance particulière revient au projet de gestion de l'environnement côtier et marin, financé à l'aide d'un prêt de la Banque mondiale de 48 millions d'euros entre 2005 et 2013, révélé « moyennement insatisfaisant » à la suite de son évaluation.
7. La RUT possède des préférences commerciales non réciproques avec l'Australie, le Canada, l'UE, le Japon, la Nouvelle-Zélande les États-Unis d'Amérique. Elle est en train de négocier un accord de partenariat économique (APE) avec l'UE au travers du groupe APE de l'Afrique orientale et australe bien que de nombreux problèmes restent irrésolus et freinent l'avancée du dossier. Le commerce est systématiquement déséquilibré, avec des importations excédant la valeur des exportations ; la RUT figure parmi les pays d'Afrique centrale, de l'est et du sud ayant le plus large commerce extérieur de produits de la mer, exportant des produits à haute valeur ajoutée tels que la perche du Nil et la crevette, principalement en Europe.

Gouvernance des pêches en RUT

8. La question des pêches n'est pas une question relative à l'Union. La gestion des pêches est partagée entre la Tanzanie continentale, où le ministère de l'élevage et du développement des pêches (MEDP) administre les pêches continentales et marines au sein des eaux territoriales près du continent, et Zanzibar, où le ministère de l'élevage et des pêches (MEP) administre les pêches au sein des eaux territoriales autour des îles de Zanzibar et de Pemba. L'autorité des pêches en eau profonde (acronyme anglais DSFA), localisée à Zanzibar, est responsable de la gestion des ressources de pêches dans la ZEE de la RUT. La DSFA est également habilitée à négocier les accords d'accès aux pêches (y compris les APP) au nom du gouvernement de la RUT. Une fois acceptés, ces accords doivent être ratifiés par le Parlement de la RUT. La DSFA est composée de trois organes : Le Comité exécutif, le Comité consultatif technique et la Direction Générale.
9. La déclaration de la stratégie et de la politique du secteur national des pêches de 1997 vise à promouvoir la conservation, le développement et la durabilité de la gestion des ressources de pêches pour le bénéfice des générations présentes et futures. Une stratégie de gestion de la pêche thonière a récemment été adoptée et un nouveau cadre politique est en cours d'élaboration, incluant une stratégie de développement du secteur des pêches et une politique du secteur national des pêches. La stratégie prévoit l'établissement d'un Comité national de pilotage pour la gestion des pêches thonières et un Secrétariat de gestion des pêches thonières au sein du MEDP et du MEP. La stratégie comporte 11 objectifs, notamment intéressants pour un futur APP/Protocole pour utiliser durablement les ressources de pêches en contrôlant la capture au sein de limites reconnues régionalement et internationalement ; consolider le cadre gouvernemental afin d'harmoniser et de mettre en œuvre des politiques de gestion des pêches et des pratiques aux niveaux national, régional et international ; atteindre un équilibre optimal en relation avec l'accès et l'usage de la ressource de thons entre tous les acteurs ; et renforcer la collaboration régionale et internationale pour l'exploitation durable, la gestion et la conservation des ressources au sein de la ZEE.

10. Concernant ses engagements internationaux, la RUT a ratifié la convention des Nations unies de 1982 sur le droit de la mer en 1985 et l'Accord de 1993 afin de promouvoir le respect en haute mer en 1999. La loi de l'autorité des pêches en eau profonde de 1998, telle qu'amendée en 2007, et les règlements qui en découlent sont les principaux instruments légaux gouvernant les activités de pêches dans la ZEE de la RUT. La DSFA est responsable de la négociation et de l'autorisation des accès aux ressources de pêches dans la ZEE de la RUT et les règlements de 2009 fournissent un cadre de mise en œuvre pour cela, avec les licences valant approximativement 7 000 EUR pour les palangriers pour 3 mois et approximativement 27 000 EUR pour les senneurs pour 12 mois. Les règlements spécifient qu'en association avec ces licences les éléments suivants sont exigés : une pré-inspection des navires de pêche dans le port de la RUT ; le débarquement des captures accessoires dans le port de la RUT ; la présence d'un dispositif de suivi de navire à bord sur les navires de pêche ; le signalement de l'entrée dans et de la sortie de la ZEE de la RUT ; la tenue d'un journal de pêche et d'un journal des débarquements ; le transbordement des ressources de pêches aux ports désignés sous la supervision d'un inspecteur des pêches ; et l'embarquement d'un observateur quand cela est exigé.
11. Le registre des navires de pêche de Zanzibar a récemment été transféré à l'autorité maritime de Zanzibar et depuis octobre 2013, il inclut seulement les neuf navires appartenant à des citoyens de la RUT. Ceci a éclairci ce qui était auparavant considéré comme un registre public associé à des problèmes de pêches illicites, non déclarées et non réglementées (INN). Compte-tenu du volume et de la nature des activités de pêches, le niveau des moyens humains et des fonds alloués pour mettre en œuvre le suivi, le contrôle et la surveillance (SCS) des opérations au sein de la ZEE est relativement bas résultant en une dissuasion limitée de la pêche illicite, non déclarée et non réglementée et une limitation de la capacité de la RUT à gérer efficacement son secteur des pêches ou à appliquer les règlements de la CTOI. En général, le suivi, le contrôle et la surveillance, les capacités d'observations et d'applications la loi en mer sont faibles ; la DFSA mise sur son système de suivi des navires [par satellite] pour surveiller les navires autorisés mais a une capacité limitée à localiser les navires de pêche illégaux dans sa ZEE.
12. Concernant le dispositif de certification des captures illicites, non déclarées et non réglementées de l'UE fixé dans le règlement (CE) n° 1005/2008 du Conseil et la législation subséquente des pays tiers exportant des produits de la mer vers l'UE, la RUT en tant qu'État de pavillon a confirmé à l'UE a) qu'elle a mis en place des mécanismes nationaux pour la mise en œuvre, le contrôle et l'application des lois, règlements et mesures de gestion et de conservation, auxquels doivent se conformer ses navires de pêche, et b) que ses autorités publiques sont habilitées à attester la véracité des informations contenues dans les certificats de capture et à effectuer des vérifications de tels certificats à la demande des États membres de l'UE. Par conséquent, la RUT peut valider les certificats de capture de l'UE pour les produits issus de la pêche. Cependant, tous les produits de la pêche exportés vers l'UE sont issus de pêches artisanales à défaut de débarquement ou de transformation de poissons pêchés par des navires de pêche industrielle.

Le secteur de la pêche domestique dans la RUT

13. La RUT possède neuf palangriers qui ne sont pas signalés comme pêchant au sein des eaux de la RUT ou débarquant leur capture en RUT. Le secteur maritime artisanal possède approximativement 14 000 embarcations et certains, parmi les plus grandes motorisées, participent à la pêche thonière dans le cadre de leur stratégie de pêches multi-espèces. Ces navires opèrent jusqu'à 6 milles marins de la côte et ont capturé aux alentours de 2 500 t de thons en 2012. Les pêcheries locales de crevettes et d'espèces démersales sont également exploitées par des bateaux de taille modérée, et alors que la recherche [scientifique] est faible, les stocks sont probablement surpêchés ou font l'objet d'une surpêche (malgré l'absence d'activité industrielle) en raison d'une gestion limitée des pêches. Les seuls services offerts aux navires étrangers se font dans le port de Dar-es-Salaam où les réparations en urgence et l'approvisionnement peuvent-être réalisés. En ce qui concerne le domaine de la santé et les questions sanitaires, l'autorité compétente en RUT est la division de développement des pêches pour le contrôle officiel des produits de la pêche exportés vers l'UE.

Activité des navires pratiquant la pêche hauturière dans la ZEE de la Tanzanie

14. Il n'y a aucun accord de pêche entre la RUT et un autre gouvernement. Deux protocoles d'entente existent avec des organisations représentant les armateurs espagnols de thoniers senneurs (ANABAC et OPAGAC) et

un protocole d'entente est actuellement en cours de négociation avec ORTHONGEL, représentant les armateurs français de thoniers senneurs. En 2013 la DSFA a émis 25 licences de 12 mois pour des senneurs (14 pour l'Espagne, 2 pour la France, 7 pour les Seychelles et 2 pour la Corée du sud) générant des recettes totales d'environ 655 000 EUR. En 2011 et 2012 aucun palangrier battant pavillon étranger n'a posé sa candidature pour pêcher dans la ZEE de la RUT, il aurait été rapporté que cela était dû à la piraterie. Avec la diminution des activités de piraterie, les palangriers reviendront dans la ZEE de la RUT en 2014.

15. La pêche à la senne coulissante dans l'OIO est dominée par la flottille de l'UE, qui contribue à 75 % au total des captures réalisées par les senneurs. Cette flottille opère toute l'année et suit les stocks de thons dans toutes leurs aires de migration, entraînant des variations considérables des volumes des captures effectuées dans les différentes ZEE d'une année sur l'autre. En 2012, un total de 6 561 t de thons (albacore, listao et thon obèse) a été déclaré par les senneurs à la RUT en tant que captures dans sa ZEE. La dépendance de la flottille de senneurs de l'UE dans l'OIO aux captures réalisées dans la ZEE de la RUT est estimée aux alentours de 1 % à 2 % par an. Par conséquent, la garantie des droits d'accès à la ZEE de la RUT est importante en termes de stratégie de pêche.

Conclusions de l'évaluation

16. La nécessité première d'un éventuel APP/protocole partagé par l'UE et la RUT est la durabilité de la production des captures de pêche présente dans la région et migrant à travers les eaux de la RUT. Cela requiert que les parties prenantes, soit l'UE, les organisations régionales telles que la CTOI, et l'administration de la RUT, continuent de travailler ensemble et en partenariat afin d'améliorer les moyens au sein de la RUT et au niveau régional, pour aider à favoriser une meilleure gouvernance, des développements continus dans le domaine de la science, la mise en œuvre d'une politique des pêches, des améliorations régulières du suivi, de contrôle et de surveillance et la réduction des pêches illicites, non déclarées et non réglementées. Les senneurs de l'UE dans l'OIO ciblent le thon listao, le thon albacore et le thon obèse. Les palangriers ciblent l'espadon et le requin mais capturent également quelques thons. Toutes les espèces cibles ont été évaluées par la CTOI comme non surpêchées ou ne faisant pas l'objet de surpêche. Les autres nécessités partagées par l'UE et la RUT incluent le besoin d'un éventuel APP/protocole conclu avec transparence, une coopération équilibrée et le respect des droits de l'homme et des principes démocratiques, dans le but de partager les bénéfices équitablement entre les deux parties.
17. La RUT a besoin d'un éventuel APP/protocole pour maximiser ses recettes et fournir un soutien à son secteur thonier local conformément à sa Stratégie de gestion et de développement des pêches thonières et aux amendements proposés pour les règlements de la DFSA (soit l'appui au secteur artisanal, une valeur ajoutée, un meilleur système de SCS, etc.). Pour tout financement d'un appui sectoriel, la RUT a également besoin qu'une attention particulière soit portée aux activités identifiées et financées ou pas par le projet *SWIOFish*, afin d'assurer une cohérence et de réduire tout chevauchement.
18. Les exigences de l'UE d'un éventuel APP/protocole avec la RUT incluent des possibilités de pêche pour 22-40 senneurs pour l'accès aux ressources de listao, d'albacore, de thon obèse et de germon, et environ cinq possibilités de pêche pour les palangriers fournies à titre expérimental. Dans le cas des deux flottilles, la nécessité est d'obtenir des possibilités pour cibler des espèces hautement migratoires, soit le thon et les espèces apparentées, afin de soutenir son réseau de possibilités de pêche pour la flotte de l'UE dans l'OIO. Une exigence particulière pour la flotte de l'UE est d'augmenter la garantie de possibilités de pêche, puisqu'actuellement les senneurs de l'UE négocient annuellement leur licence sous des accords privés. En ce qui concerne les captures accessoires, bien que reconnaissant la volonté légitime de la RUT d'accroître sa sécurité alimentaire, étant donné la nature des pêches thonières en termes de tendances migratoires des poissons et d'absence de débarquement en RUT il serait difficile pour les navires de l'UE de se conformer à l'exigence de débarquer leurs captures accessoires en RUT. Afin de satisfaire les exigences des transformateurs et consommateurs de l'UE, l'inclusion de possibilités de pêche pour des senneurs et palangriers dans un éventuel APP/protocole est également nécessaire pour maintenir un approvisionnement adéquat d'autant plus que la demande s'accroît.

19. Les précédentes évaluations d'APP/protocoles dans l'OIO, par exemple avec les Seychelles et les Comores, et les informations contenues dans ce rapport et dans le rapport régional, suggèrent un certain nombre d'importantes leçons apprises du passé. Quelques-unes des plus importantes sont que :
- Les tentatives de l'UE et de la RUT de signer un APP, dans les années 1990 et au milieu des années 2000 n'ont pas été concluantes, suggérant que le succès de la conclusion des APP/protocoles n'est pas assuré même si un mandat est donné pour des négociations. Cependant, d'autres APP/protocoles ont été conclus avec succès dans la région ;
 - Les actuels accords d'accès privés des navires de l'UE avec la RUT indiquent la probable demande d'un APP/protocole par la flottille des senneurs de l'UE. Actuellement, aucun accord privé n'a été conclu avec les palangriers de l'UE pour pêcher dans les eaux de la RUT et l'utilisation de possibilités de pêche pour les palangriers dans d'autres APP/protocoles dans l'OIO a parfois été faible. Cependant, l'amélioration de la situation de la piraterie, si elle se maintient, pourrait encourager de tels navires à pêcher dans les eaux de la RUT dans le futur si des possibilités de pêche sont fournies.
 - L'activité des senneurs et palangriers de l'UE dans les zones de pêche des pays de la région de l'OIO se traduit par des bénéfices économiques et sociaux directs considérables dans le secteur de la capture, dans le secteur d'approvisionnement amont, et dans le secteur des débarquements et de la transformation aval. Alors que les bénéfices créés par la flottille de palangriers sont mal documentés, les bénéfices annuels économiques et sociaux générés par les activités de la flottille de senneurs seule sont estimés à au moins 420 emplois et 140 millions d'euros de valeur ajoutée pour l'UE, et au moins 4 000 emplois et 22 – 40 millions d'euros de valeur ajoutée pour l'OIO. Le haut niveau de transformation des captures au sein de la région et les bénéfices économiques et sociaux résultants sont un point particulier, bien que la RUT ne transforme pas industriellement les thons capturés ; et
 - Les captures réalisées dans l'OIO par les senneurs et palangriers contribuent significativement au marché de l'UE, avec des flux de produits de l'OIO vers l'UE avoisinant les 99 000 t de conserves de thon, les 18 000 t de longes de thon, les 11 000 t de thons congelés pour la transformation, et les 7 200 t de thons congelés pour la consommation directe en 2012.
20. Cette évaluation spécifie les objectifs sociaux, économiques et environnementaux d'un éventuel APP/protocole et souligne deux options stratégiques, ou interventions, qui doivent être évaluées. La première option représente le statu quo et la non-conclusion d'un APP/protocole. La seconde option serait de conclure un APP/protocole. Pour les deux options, en faisant correspondre les nécessités susmentionnées, il est supposé que 22-40 senneurs et qu'environ cinq palangriers utiliseraient des licences pour pêcher dans les eaux de la RUT. Sous l'option 1, ils le feraient sous des accords d'accès privés et il n'y aurait pas de financement pour l'appui sectoriel de la part de l'UE.
21. L'option 2 est l'option privilégiée. Alors que les options 1 et 2 auraient toutes les deux les mêmes impacts en termes d'emploi et de valeur ajoutée pour l'UE, les objectifs globaux d'exploitation durable et de droits de l'homme et de principes démocratiques seraient moins probablement atteints sous l'option 1 s'il n'y avait pas d'APP/protocole. Étant donné que l'exploitation durable des captures est l'élément fondamental pour réaliser des bénéfices économiques et sociaux à long terme pour les parties, l'option 2 devrait être préférée. L'option 2 servirait également à combler les premières nécessités des navires de l'UE pour une meilleure garantie de l'accès. Une comparaison sommaire des deux options, incluant ces points et d'autres points additionnels, est fournie dans le tableau ci-dessous.
22. La valeur ajoutée de la participation de l'UE/la DG MARE à un APP/protocole englobe la cohérence, les synergies et la réduction de risques de chevauchement avec d'autres activités de donateurs (telles que le projet *SWIOFish*) et les stratégies/politiques gouvernementales en termes du financement fourni pour l'appui sectoriel ; de cohérence dans les liens de l'UE avec la RUT, par exemple un fond/une politique de développement ; de soutien aux efforts régionaux de la CTOI et d'autres organisations régionales dont le but est d'améliorer la gestion des pêches thonières, soit des améliorations dans le suivi, le contrôle et la

surveillance, des réductions de la pêche illicite, non déclarée et non réglementée ; de la probable exigence pour les navires de l'UE d'employer du personnel originaire de la RUT ou d'ACP (ou de payer une compensation financière supplémentaire s'ils ne le font pas) ; et du rôle renforcé de l'UE au sein de la CTOI sous l'option 2 (soit avoir un APP/protocole) qui contribuerait à renforcer la position de l'UE dans la région.

23. En ce qui concerne la méthode appropriée de mise en œuvre de l'option préférée (avoir un APP/protocole entre l'UE et la RUT), le Conseil de l'UE doit d'abord recevoir cette évaluation ex ante et le rapport régional, et la Commission européenne doit obtenir un mandat pour négocier un APP/protocole avec la RUT au nom de l'UE. La Commission européenne et la RUT devraient ensuite préparer, et conclure les négociations concernant le contenu détaillé de l'APP/protocole. Le contenu de l'APP/protocole nécessiterait par la suite d'être approuvé par le gouvernement de la RUT, et par le Conseil de l'UE et le Parlement européen sous des règles de codécision. A propos du suivi et de l'évaluation, la méthode de mise en œuvre la plus appropriée serait pour l'UE de développer un cadre logique pour l'intervention, pour l'UE et la RUT afin d'accepter conjointement une matrice de soutien à la politique, pour un comité mixte pour superviser la mise en œuvre ; et pour terminer une évaluation, avant que le protocole expire.

Option 1 (pas d'APP/protocole) – bénéfices clés/coûts/risques	Option 2 (un APP/protocole) – bénéfices clés/coûts/risques
<p><u>Soutien aux objectifs de durabilité</u> – faible : puisque les conditions d'accès ne couvriraient pas de nombreuses thématiques habituellement incluses dans les textes de l'APP/protocole/annexe, et aucun appui sectoriel financier ou suivi du comité mixte ne serait fourni.</p> <p><u>Pertinence des besoins</u> – moyenne : identique à l'option 2, mais aucun appui sectoriel financier en soutien des besoins de gestion du secteur des pêches.</p> <p><u>Efficacité</u> – moyenne : processus de négociation annuel flexible/adaptable aux changements des prix du poisson et des taux d'utilisation, mais risque d'échec à accepter la base pour les accès et à obtenir une faible garantie d'accès pour les navires.</p> <p><u>Efficience</u> – floue : sans information/hypothèses sur les coûts d'accès.</p> <p><u>Cohérence</u> – faible : entre les accords pour l'accès et les autres liens de l'UE avec la RUT, et le rôle de l'UE au sein de la CTOI.</p> <p><u>Risques</u> : le manque de bénéfices résultant de l'option 2.</p>	<p><u>Soutien aux objectifs de durabilité</u> – élevé : au travers du contenu du texte de l'APP/protocole/annexe et des compensations financières pour le financement de l'appui sectoriel.</p> <p><u>Pertinence des besoins</u> – moyenne/élevée : pas d'augmentation (ou augmentation insignifiante) du total des captures pour la flotte de l'UE, ou bénéfices/liens amont/aval pour l'UE ou la RUT par rapport à l'option 1. Mais meilleure garantie d'un réseau de possibilités de pêche pour la flotte de l'UE, et compensations financières pour la RUT pour le financement de l'appui sectoriel.</p> <p><u>Efficacité</u> – moyenne : un présumé protocole de 3 ans fournissant une bonne garantie des droits des navires (sujets à n'importe quelle révision des possibilités de pêches), mais faible flexibilité pour faire correspondre les coûts d'accès aux changements des prix du poisson et à l'utilisation.</p> <p><u>Efficience</u> – floue : sans modélisation économique/financière et avec des compensations financières inconnues. Risque de faible efficience et valeur pour la monnaie pour l'UE si l'utilisation des possibilités de pêche est faible.</p> <p><u>Cohérence</u> – élevée : entre les accords d'accès et les autres liens de l'UE avec la RUT, et le rôle de l'UE en tant que membre de la CTOI.</p> <p><u>Risques</u> : l'échec à accepter l'APP/protocole et la matrice de l'appui sectoriel, une faible utilisation, et un faible suivi de l'APP/protocole par le comité mixte.</p>

Source: compilation des consultants

24. Étant donné i) le contenu habituel du texte des APP/protocoles, ii) la réforme de la dimension extérieure de la politique communes des pêches (PCP), et iii) le statut de l'UE en tant que membre de la CTOI, il peut être attendu qu'un APP/protocole soit entièrement cohérent avec la PCP (et sa réforme), avec les accords de la CTOI et avec les obligations internationales de l'UE. La matrice pour l'appui sectoriel assurerait également que l'APP/protocole soit entièrement cohérent avec la politique du secteur national des pêches de la RUT. Les

allocations du budget de l'UE seraient déterminées par niveaux de compensation financière à payer par l'UE à la RUT pour l'accès et l'appui sectoriel. Le montant exact impliqué ne peut être estimé à ce stade.

Resumen

Introducción

1. Este informe presenta una evaluación ex ante de un posible Acuerdo de asociación en el sector pesquero (AAP) y Protocolo entre la Unión Europea (UE) y la República Unida de Tanzania (RUT). Tras una conversación informal entre el personal de la Dirección General de Asuntos Marítimos y Pesca de la Unión Europea (DG MARE) y funcionarios de la RUT que tuvo lugar al margen de la reunión anual de la Comisión del Atún para el Océano Índico (CAOI) celebrada en mayo de 2013, la RUT expresó su interés en un posible AAP/Protocolo con la UE (a través de una serie de correos electrónicos a la DG MARE). Dado que las partes interesadas de los Estados miembros de la UE también se han manifestado a favor de un AAP/Protocolo, esta evaluación tiene por objeto servir de base a la decisión de dar (o no) un mandato a la Comisión Europea para negociar un AAP/Protocolo con la RUT en nombre de la Unión Europea. Esta evaluación ex ante de un posible AAP/Protocolo entre la UE y la RUT se basa en las informaciones brindadas por el análisis regional de las pesquerías de atún en el Océano Índico occidental (OIO), que proporciona informaciones básicas de interés para esta evaluación ex ante (Poseidon et al., 2014) y a partir de ahora nos referiremos a él como al informe regional. Esta evaluación se realizó entre septiembre y diciembre de 2013, y se basó en: una revisión de la literatura relevante; consultas con las organizaciones regionales en el OIO; una visita de los contratistas a la RUT (del 23 al 27 de septiembre de 2013); y consultas pertinentes en la UE con servicios de la Comisión Europea, el Servicio Europeo de Acción Exterior (SEAE), las administraciones de los Estados miembros y el sector privado.

Contexto

2. La RUT, en el sureste de África, se compone de la Tanzania continental y de la isla de Tanzania (Zanzíbar) y comparte fronteras al sur con Mozambique, Malawi y Zambia; al oeste con la República Democrática del Congo, Burundi y Ruanda, y al norte con Uganda y Kenia. La costa de la RUT es de 1 424 km de longitud, su zona económica exclusiva (ZEE) se estima en 241 541 kilómetros² y es limítrofe con el OIO. La diversidad de los recursos pesqueros marinos, que incluye peces demersales, crustáceos y especies altamente migratorias como el atún y especies afines, proporciona el 15 % de las capturas globales de pesca de la RUT y aporta la base para los subsectores de las pescas de pequeña escala y de las pescas industriales.
3. El Gobierno de la Unión, que administra las cuestiones relativas a la Tanzania continental así como las de Zanzíbar y el gobierno de Tanzania continental se fusionaron y están representados por la misma administración, mientras que Zanzíbar es semiautónomo y tiene su propio gobierno, conocido como el Gobierno revolucionario de Zanzíbar. En octubre de 2010, en las cuartas elecciones multipartidistas de la RUT, el presidente Kikwete del partido gobernante Chama Cha Mapinduzi fue reelegido para un segundo mandato. La RUT, a través de un proceso establecido por la Ley de reforma constitucional (2011) ha estado revisando su Constitución, en noviembre de 2013 se aprobó una segunda modificación de la Ley de reforma constitucional para incorporar una mayor participación en la Asamblea constituyente que ahora cuenta con 201 miembros, entre ellos diez representantes de asociaciones pesqueras.
4. En 1989, la RUT promulgó la Ley del mar territorial y de la zona económica exclusiva, estableciendo un mar territorial de 12 millas náuticas y una ZEE que se extiende hasta 200 millas náuticas. No hay disputas actuales sobre las fronteras marítimas entre la RUT y sus países vecinos. En 2012 la RUT preparó un comunicado, de conformidad con el artículo 76 de la Convención del Derecho del Mar de 1982, dirigido a la Comisión de límites de la plataforma continental de las Naciones Unidas, reclamando una extensión de su plataforma continental más allá de 200 millas marinas contadas desde las líneas de base del mar territorial. El límite exterior de la plataforma continental ampliada reclamada por la RUT comprende un área aproximada de 61 000 km².
5. La RUT es uno de los países menos desarrollados del mundo. En 2012, el producto interno bruto (PIB) fue de 21 080 millones EUR; el PIB per cápita fue de 455 EUR; la inflación fue de 8 % y el rendimiento macroeconómico global fue fuerte. La guía *Doing Business* del Banco Mundial clasifica a la RUT en el

puesto 134 de 185, aunque este puesto sea relativamente bajo en una escala global, es superior a la media subsahariana de 140. La población de la RUT es de 47 millones, con una tasa de crecimiento de 1,96 %, pero esto está disminuyendo lentamente. La RUT es un país de bajos ingresos con déficit de alimentos; sin embargo, un aumento en el índice de desarrollo humano de 0,353 en 1990 a 0,476 en 2012 indica mejoras en la salud, educación e ingresos, aunque la base de partida fuera relativamente baja. El sector pesquero es importante para la nutrición con 21 % del total de las proteínas animales consumidas suministradas por el pescado y productos pesqueros (principalmente de la pesca continental). En 2010 la producción pesquera se estimaba en 350 000 t, con exportaciones por un valor de 115 millones EUR que constituyen aproximadamente el 1,4 % del PIB de la RUT.

6. La RUT es miembro de la Unión Africana, de la Comunidad de África Oriental y de la Comunidad del África Meridional para el Desarrollo. Respecto a la pesca, la RUT es un miembro de la Comisión del Atún para el Océano Índico (CAOI), de la Comisión de pesca para el Océano Índico suroccidental, la Organización del atún del Océano Índico occidental, la Comisión Ballenera Internacional y la Asociación de Ciencias Marinas del Océano Índico occidental. Las relaciones exteriores de la RUT se han beneficiado de una serie de proyectos de donantes de la UE y otros que apoyan mejores investigación y conservación de las pesquerías. Estas ayudas han llevado a la RUT a participar en una serie de proyectos regionales (por ejemplo *Smartfish*, África, Caribe y Pacífico (ACP) *FISH II*, proyecto de pesca del océano Índico suroccidental), como diversas iniciativas introducidas en respuesta a la crisis alimentaria de 2007/08. El proyecto de gestión de las zonas marinas y costeras financiado por un préstamo del Banco Mundial de 48 millones EUR entre 2005 y 2013 ha sido de particular importancia. La evaluación del proyecto dio resultados "moderadamente insatisfactorios".
7. La RUT tiene preferencias comerciales no recíprocas con Australia, Canadá, la UE, Japón, Nueva Zelanda y los Estados Unidos de América. La RUT está negociando un Acuerdo de Asociación Económica (AAE) con la UE a través del grupo AAE de África oriental y meridional aunque muchas cuestiones sigan sin resolverse y los progresos sean muy lentos. El comercio está sistemáticamente desequilibrado con importaciones que exceden el valor de las exportaciones; la RUT es uno de los países de África central, oriental y meridional con el mayor comercio exterior de productos pesqueros. Exporta productos de alto valor tales como la perca del Nilo y el camarón, principalmente a Europa.

Gobernanza de la pesca en la RUT

8. La pesca no es competencia del Gobierno de la Unión. La gestión de la pesca es compartida entre la Tanzania continental, donde el Ministerio para el desarrollo de la ganadería y de la pesca (acrónimo inglés MLFD) se encarga de la gestión de la pesca continental y de la pesca marina dentro de las aguas territoriales frente a la costa, y Zanzíbar, donde el Ministerio de ganadería y pesca (acrónimo inglés MLF) gestiona la pesca en las aguas territoriales alrededor de las islas Zanzíbar y Pemba. La Autoridad de la pesca en aguas profundas (acrónimo inglés DSFA), que se encuentra en Zanzíbar, es responsable de la gestión de los recursos pesqueros en la ZEE de la RUT. La DSFA también está facultada para negociar acuerdos pesqueros (incluidos los AAP) en nombre del gobierno de la RUT. Una vez aprobados, estos acuerdos deben ser ratificados por el Parlamento de la RUT. La DSFA está compuesta por tres órganos: el Comité ejecutivo, el Comité técnico de asesoramiento y la Dirección general.
9. La declaración de la estrategia y de la política del sector pesquero nacional de 1997 tiene como objetivo promover la conservación, el desarrollo y la gestión sostenible de los recursos pesqueros para el beneficio de las generaciones presentes y futuras. Se ha aprobado recientemente una estrategia para la gestión de las pesquerías de atún y un nuevo marco político está siendo desarrollado. Este nuevo marco incluye una política para el sector pesquero nacional y una estrategia para el desarrollo del sector pesquero. La estrategia prevé la creación de un Comité directivo nacional para la gestión de las pesquerías de atún y una Secretaría encargada de la gestión de las pesquerías de atún en el MLFD y en el MLF. La estrategia cuenta con 11 objetivos, algunos de especial interés para un futuro APP/Protocolo: el uso sostenible de los recursos pesqueros mediante el control de las capturas dentro de los límites reconocidos internacionalmente y regionalmente; el fortalecimiento del marco gubernamental para armonizar y aplicar las políticas de gestión y las prácticas de la pesca a nivel nacional, regional e internacional; lograr un equilibrio óptimo en relación con

- el acceso y el uso de los recursos de atún entre todas las partes interesadas; y fortalecer la colaboración regional e internacional para la explotación sostenible, la gestión y conservación de los recursos en la ZEE.
10. Con respecto a los compromisos internacionales, la RUT ratificó la Convención de las Naciones Unidas sobre el Derecho del Mar de 1982 en 1985 y el Acuerdo de cumplimiento de 1993 que promueve su cumplimiento en alta mar en 1999. La ley sobre la autoridad de la pesca en aguas profundas de 1998, en su forma enmendada de 2007, y sus reglamentos de aplicación son los principales instrumentos jurídicos que rigen las actividades de pesca en la ZEE de la RUT. La DSFA es responsable de negociar y autorizar el acceso a los recursos pesqueros en la ZEE de la RUT y los reglamentos de 2009 constituyen el marco para estas actividades. Las autorizaciones de pesca cuestan aproximadamente 7 000 EUR para los palangreros para tres meses y aproximadamente 27 000 EUR para los cerqueros para 12 meses. Los reglamentos especifican que, complementariamente a estas autorizaciones también existen los siguientes requisitos: una pre-inspección de los barcos de pesca en un puerto de la RUT; el desembarco de las capturas accesorias en un puerto de la RUT; el embarque de un dispositivo de seguimiento en los buques pesqueros; la notificación de entrada y de salida de la ZEE de la RUT; llevar un registro diario de pesca y un libro de registro de los desembarques; el transbordo de los recursos pesqueros en los puertos designados bajo la supervisión de un inspector de pesca; y el embarque de un observador cuando se solicite.
 11. El registro de buques pesqueros de Zanzíbar ha sido recientemente trasladado a la Autoridad marítima de Zanzíbar y en octubre de 2013 este registro incluía únicamente nueve buques de propiedad de ciudadanos de la RUT. Esto ha normalizado lo que antes se consideraba un registro que incluía actividades de pesca ilegal, no declarada y no reglamentada (INDNR). Teniendo en cuenta el tamaño y la talla de las pesquerías, el nivel de fondos y de recursos humanos asignados para aplicar las operaciones de seguimiento, control y vigilancia en la ZEE es relativamente bajo. Esto resulta en una limitada disuasión contra el desarrollo de actividades de pesca ilegal, no declarada y no reglamentada. La RUT tiene un alcance limitado para gestionar su sector pesquero y asegurar el cumplimiento de las resoluciones de la CAOI. Para las actividades generales de seguimiento, control y vigilancia, la capacidad de observación y de cumplimiento es también reducida. La DSFA se basa en su sistema de seguimiento de buques para vigilar las embarcaciones autorizadas pero tiene una capacidad limitada para localizar los buques de pesca ilegal en su ZEE.
 12. En relación con el sistema de certificados contra la pesca INDNR establecido por el reglamento (CE) n° 1005/2008 del Consejo y a la legislación posterior para los países terceros que exportan productos pesqueros a la UE, la RUT como Estado del pabellón notificó la EU certificar que: a) cuenta con un régimen nacional para la aplicación, el control y la garantía del respeto de las leyes, reglamentos y medidas de conservación y gestión que debe ser cumplidos por sus buques pesqueros y b) sus autoridades públicas están facultadas para confirmar la veracidad de las informaciones contenidas en los certificados de captura y efectuar comprobaciones de esos certificados a petición de los Estados miembros. Por lo tanto, la RUT puede validar certificados de captura de la UE para los productos pesqueros. Sin embargo, todos los productos pesqueros exportados a la UE proceden de la pesca artesanal ya que no se desembarcan ni procesan en la RUT las capturas de los buques pesqueros industriales.

El sector pesquero nacional en la RUT

13. La RUT tiene nueve buques palangreros que declaran no pescar en aguas de la RUT ni desembarcar capturas en la RUT. El sector de la pesca artesanal cuenta con aproximadamente 14 000 embarcaciones y algunos de los buques de más potencia participan a la pesca del atún como parte de su estrategia de pesca multi-específica. Estos barcos operan dentro de las seis millas náuticas de la costa y pescaron alrededor de 2 500 t de atún en 2012. Las pesquerías nacionales de gambas/camarones y de especies demersales también son explotadas por buques de pequeña escala y, si bien la investigación es deficiente, las poblaciones están sobreexplotadas y son probablemente objeto de sobrepesca (a pesar de la falta de cualquier actividad industrial), debido a la limitada gestión pesquera. Los únicos servicios que se ofrecen a los buques extranjeros se encuentran en el puerto de Dar es Salaam, donde reparaciones de emergencia y suministros pueden ser proporcionados. La autoridad competente en materia de salud y de cuestiones sanitarias en la RUT es la División de desarrollo de la pesca. Este órgano se encarga de los controles oficiales de los productos pesqueros destinados a la exportación en la UE.

La actividad de pesca de larga distancia en la ZEE de Tanzania

14. No existe ningún acuerdo de pesca activo entre la RUT y otro gobierno. Se han firmado dos Memorandos de entendimiento con las organizaciones de propietarios españoles de atuneros cerqueros (ANABAC y OPAGAC) y se está negociando actualmente un Memorando de entendimiento con ORTHONGEL, la asociación de propietarios franceses de atuneros cerqueros. En 2013, la DSFA ha emitido 25 autorizaciones de pesca con una validez de 12 meses para cerqueros (España (14), Francia (2) Seychelles (7) y Corea del Sur (2)), generando un ingreso total aproximado de 655 000 EUR. En 2011 y 2012 ningún palangrero de pabellón extranjero solicitó permisos para la pesca en la ZEE de la RUT, al parecer a causa de la piratería. Con la disminución de las actividades de piratería, los palangreros regresarán a la ZEE de la RUT en 2014.
15. La pesquería de cerco en el OIO está dominada por la flota de la UE, que captura el 75 % del total de las capturas de los cerqueros. Esta flota opera durante todo el año y sigue a las poblaciones de atunes durante toda su migración. Por ello, las capturas realizadas en diferentes ZEE pueden variar considerablemente de un año a otro. En 2012 se registró a la RUT un total de 6 561 t de capturas de atún (rabil, listado y patudo) realizadas por cerqueros en su ZEE. Se estima que alrededor de 1 % a 2 % de las capturas anuales de la flota de cerco de la UE en el OIO depende de la ZEE de la RUT. Por lo tanto, asegurar los derechos de acceso a la ZEE de la RUT es importante en términos de estrategia de pesca.

Resultados de la evaluación

16. Se necesita un APP/Protocolo entre la UE y la RUT para la producción sostenible de las especies capturadas en la región y que migran a través de las aguas de la RUT. Para ello es necesario que las partes interesadas (es decir, la UE, las organizaciones regionales como la CAOI y la administración de la RUT) sigan trabajando juntas para fomentar una mejora gobernanza, los avances de la ciencia, la aplicación de la política pesquera, los progresos en el seguimiento, control y vigilancia (SCV) y la reducción de la pesca ilegal, no regulada y no declarada, tanto dentro de la RUT como a nivel regional. Los objetivos de pesca de los cerqueros de la UE en el OIO son el listado, el rabil y el patudo. Los palangreros enfocan sus actividades a la pesca de pez espada y de tiburón aunque también capturen un poco de atún. Todas las especies determinadas están clasificadas por la CAOI como no sobreexplotadas ni sujetas a la sobrepesca. Otras necesidades comunes de la UE y de la RUT incluyen la necesidad de firmar un posible APP/Protocolo con vistas a una cooperación leal, transparente y justa. Estos acuerdos deberán respetar los derechos humanos y los principios democráticos y tener como objetivo una distribución de beneficios equitativa entre las dos partes.
17. La RUT necesita de un posible APP/Protocolo para maximizar los ingresos y apoyar a su sector nacional atunero conforme a su estrategia de desarrollo y de gestión de la pesca del atún y a las propuestas de enmienda a los reglamentos de la DSFA (para el apoyo al sector artesanal, el valor añadido, la mejora del SCV, etc.). La RUT también necesita que los fondos de apoyo sectorial presten especial atención a las actividades que ha identificado, aunque ya estén financiadas por el proyecto *SWIOFish*, con el fin de garantizar la coherencia y evitar redundancias.
18. Los requisitos de la UE para un posible APP/Protocolo con la RUT incluyen posibilidades de pesca para 22-40 cerqueros y para el acceso a las poblaciones de atún listado, rabil, patudo y de atún blanco. También incluyen alrededor de cinco posibilidades de pesca para palangreros que se proporcionarán a modo de prueba. Para estas dos flotas se necesitan posibilidades de pesca enfocadas a las especies altamente migratorias, es decir, el atún y las especies afines. Estas oportunidades servirían de apoyo a la red de posibilidades de pesca de la flota pesquera de la UE en el OIO. Un requisito particular para la flota de la UE es aumentar la seguridad de las posibilidades de pesca ya que actualmente los cerqueros de la UE negocian autorizaciones anuales en virtud de acuerdos privados. En relación con las capturas accesorias, teniendo en cuenta la naturaleza de las pesquerías de atún que debe ajustarse a los patrones migratorios de los peces y la ausencia de desembarques en la RUT, y aunque se reconozca el deseo legítimo de la RUT de aumentar la seguridad alimentaria, sería difícil para los buques de la UE cumplir con el requisito de desembarcar sus captura accesorias en la RUT. Para cumplir con la demanda de los procesadores y de los consumidores de

la UE también es necesario incluir posibilidades de pesca para cerqueros y palangreros en un posible APP/Protocolo con el fin de mantener un suministro suficiente, especialmente a medida que aumenta dicha demanda.

19. Las evaluaciones anteriores de AAP/Protocolos en el OIO, como por ejemplo las de Seychelles y Comoras, y la información contenida en este informe y en el informe regional sugieren una serie de importantes lecciones aprendidas en el pasado. Las más importantes son que:

- Los intentos en la década de los 90 y mediados de la década de los años 2000 por parte de la UE y la RUT de firmar un AAP no tuvieron éxito, lo que sugiere que la consecución de AAP/Protocolos no está asegurada, incluso si se concede un mandato para la negociación. Sin embargo, otros AAP/Protocolos en la región se han firmado con éxito;
- Los acuerdos privados actuales con la RUT para el acceso privado de los buques de la UE indican el posible interés por parte de la flota de cerqueros de la UE en concluir un APP/Protocolo. Actualmente los palangreros de la UE no tienen acuerdos privados para pescar en aguas de la RUT y el uso de las posibilidades de pesca para los palangreros en otros AAP/Protocolos en el OIO ha sido limitado en algunas ocasiones. Sin embargo, la mejora en la situación de la piratería, si se mantiene, podría alentar a estos buques a pescar en aguas de la RUT en el futuro si se proporcionarán posibilidades de pesca;
- Las actividades de los cerqueros y palangreros de la UE en las zonas de pesca de los países de la región del OIO crean considerables beneficios económicos y empleos directos en el sector de las capturas, en el sector del abastecimiento y después, en los desembarques y en el sector de la transformación. Los beneficios creados por la flota de palangre no están suficientemente documentados. Sin embargo, los beneficios económicos y sociales anuales generados únicamente por las actividades de la flota de cerqueros se estiman en 420+ puestos de trabajo y 140 millones EUR de valor añadido para la UE y 4 000+ puestos de trabajo y 22 – 40 millones EUR de valor añadido para el OIO. El alto nivel de procesamiento de las capturas en la región y sus beneficios económicos y sociales son de especial interés, aunque la RUT no procese aún capturado industrialmente; y
- Las capturas realizadas en el OIO por los cerqueros y palangreros de la UE contribuyen de manera significativa al mercado de la UE, con flujos de productos del OIO a la UE de cerca de 99 000 t de atún en conserva, 18 000 t de atún en lonjas, 11 000 t de atunes congelados para su procesamiento y 7 200 t de atunes congelados para el consumo directo en 2012.

20. Esta evaluación especifica objetivos medioambientales, económicos y sociales de un posible APP/Protocolo y esboza dos opciones políticas o intervenciones, para su análisis. La primera representa el *status quo* y es la opción de no tener un AAP/Protocolo. La segunda es la opción de tener un AAP/Protocolo. En ambos casos, según las necesidades expuestas anteriormente, se supone que 22-40 buques cerqueros y alrededor de cinco buques palangreros usarían autorizaciones de pesca para faenar en aguas de la RUT. Bajo la opción 1 lo harían en virtud de los acuerdos privados de acceso y no habría fondos de apoyo sectorial por parte de la UE.

21. La opción 2 es la opción preferida. Si bien ambas opciones tendrían el mismo impacto en términos de empleo y valor añadido en la UE, sería menos probable lograr objetivos generales de explotación sostenible, derechos humanos y principios democráticos con la opción 1 si no había un AAP/Protocolo. Dado que la explotación de las capturas de forma sostenible es la base fundamental para los beneficios económicos y sociales a largo plazo para ambas partes, debería privilegiarse la opción 2. La opción 2 también serviría para satisfacer la necesidad fundamental para los buques de la UE de mejorar la seguridad en el acceso. Un resumen comparativo de las dos opciones, incluyendo éstos y otros puntos, se presenta en la tabla más abajo.

22. El valor añadido de la implicación de la UE/DG MARE en un AAP/Protocolo aporta más coherencia, sinergias y evita redundancias con otras actividades de donantes (como el SWIOFish) y políticas/estrategias del gobierno de la RUT en términos de financiación de apoyo sectorial. También supone una coherencia con

los vínculos existentes de la UE con la RUT como, por ejemplo, la política de desarrollo/financiación, el apoyo a los esfuerzos regionales de la CAOI y a otras organizaciones regionales destinadas a perfeccionar la gestión de las pesquerías de atún a través de las mejoras de la supervisión, control y vigilancia y de la reducción de la pesca ilegal, no regulada y no declarada. Es probable que se requiera que los buques de la UE empleen a tripulación de la RUT o ACP (o que paguen una contribución financiera adicional si no lo hicieran). Con la opción 2 (es decir, con un AAP/Protocolo), la UE tendría un papel reforzado dentro de la CAOI. Todo esto contribuiría a consolidar la posición de la UE en la región.

23. En relación con el método apropiado de aplicación de la opción preferida (la de tener un AAP/Protocolo entre la UE y la RUT), debe primero comunicarse esta evaluación ex ante así como el informe regional al Consejo de la UE, y debe concederse un mandato a la Comisión Europea para negociar un AAP/Protocolo en nombre de la UE. La Comisión Europea y la RUT deberán entonces prepararse y entablar negociaciones relativas al contenido detallado de un AAP/Protocolo. Hecho esto, el contenido del AAP/Protocolo deberá ser aprobado por el Gobierno de la RUT y por el Consejo de la UE, y el Parlamento Europeo según un procedimiento de consentimiento. Con respecto al control y a la evaluación del AAP/Protocolo, el método más apropiado de aplicación para la UE sería desarrollar un marco de intervención y que la UE y la RUT acuerden una estructura de apoyo político para la creación de un Comité conjunto para la aplicación del acuerdo y para una evaluación que deberá ser realizada antes de que expire el Protocolo.

Opción 1 (sin AAP/Protocolo) – beneficios/costes/riesgos clave	Opción 2 (con AAP/Protocolo) – beneficios/costes/riesgos clave
<p><u>Apoyo a los objetivos de sostenibilidad</u> – bajo: las condiciones de acceso no incluirían muchas disposiciones que sí se encuentran en los textos de AAP/Protocolo/Anexo y no habría fondos para el apoyo sectorial ni vigilancia por un Comité conjunto.</p> <p><u>Relevancia con las necesidades</u> – media: como para la opción 2, pero sin apoyo sectorial para financiar las necesidades para la gestión del sector pesquero.</p> <p><u>Eficacia</u> – media: proceso de negociaciones anuales flexible/adaptable a los cambios en los precios del pescado y a las tasas de utilización, pero riesgo de no encontrar las bases para el acceso y de reducir la seguridad de acceso para los buques.</p> <p><u>Eficiencia</u> – incierta: sin información/estimación de los costes de acceso.</p> <p><u>Coherencia</u> – baja: entre las disposiciones para el acceso y otros acuerdos de la UE con la RUT, y con el papel de la UE como miembro de la CAOI.</p> <p><u>Riesgos</u>: la falta de beneficios resultando de la opción 2.</p>	<p><u>Apoyo a los objetivos de sostenibilidad</u> – fuerte: a través del contenido del texto del AAP/Protocolo/Anexo y las contribuciones financieras para el apoyo sectorial.</p> <p><u>Relevancia con las necesidades</u> – media/alta: ningún aumento de las capturas para la flota de la UE (o insignificante), o beneficios/consecuencias en los sectores relacionados con la pesca en la UE en comparación con la opción 1. Pero mayor seguridad de la red de oportunidades de pesca para la flota de la UE y contribuciones financieras utilizadas para necesidades de apoyo al sector en la RUT.</p> <p><u>Eficacia</u> – media: un protocolo de una duración aproximada de tres años aportaría más seguridad para los derechos de acceso de los buques (sujetos a posibles revisiones de las oportunidades de pesca) pero una baja flexibilidad para que los costes de acceso correspondan a los cambios de los precios del pescado y del nivel de utilización.</p> <p><u>Eficiencia</u> – incierta: sin proyección económica/financiera y un nivel de contribuciones que se desconoce. Riesgo de baja eficiencia y pérdida de dinero si hay una infrutilización de las oportunidades de pesca.</p> <p><u>Coherencia</u> – alta: entre las disposiciones de acceso y otros lazos de la UE con la RUT, y con el papel de la UE como miembro de la CAOI.</p> <p><u>Riesgos</u>: fracaso de las negociaciones de un AAP/Protocolo y de una matriz de apoyo sectorial, escasa utilización, y un débil nivel de monitoreo del AAP/Protocolo por el Comité conjunto.</p>

Fuente: compilación de los consultores

24. Dados i) el contenido típico del texto de los AAP/Protocolos, ii) la reforma de la dimensión externa de la Política Pesquera Común (PCP), y iii) el estatuto de la UE como miembro de la CAOI, se puede esperar que un AAP/Protocolo sea plenamente coherente con la PCP (y su reforma), con las disposiciones de la CAOI y

con las obligaciones internacionales de la UE. La red de apoyo sectorial debería también asegurar que el AAP/Protocolo es plenamente coherente con la política nacional para el sector pesquero de la RUT. La asignación de parte del presupuesto de la UE sería determinada por las contribuciones financieras que deberán ser pagadas por la UE a la RUT para el acceso y el apoyo sectorial. Los importes exactos no pueden ser estimados a este nivel del proceso.

Table of contents

Executive summary.....	iii
Résumé	ix
Resumen	xvi
Table of contents	xxiii
Introduction	1
1 General background to the URT	3
1.1 Geography	3
1.2 Political situation	4
1.3 Development and economic status	5
1.4 Geo-political relationships	7
1.4.1 <i>Maritime zones and delimitation of maritime boundaries</i>	9
1.5 Trade from and to the URT	9
1.6 Fisheries sector development cooperation	11
1.6.1 <i>EU/third-country cooperation strategy with the URT</i>	11
1.6.2 <i>Non-EU institutions donor support for the fisheries sector in the URT since 2010</i>	11
2 Fisheries governance in the URT: institutions, legislation, policy and management framework	13
2.1 Institutional structures for fisheries sector management	13
2.1.1 <i>The URT EEZ</i>	13
2.1.2 <i>Mainland Tanzania</i>	15
2.1.3 <i>Zanzibar</i>	16
2.1.4 <i>Tuna fishery management</i>	16
2.1.5 <i>Fishery revenue from offshore fisheries</i>	17
2.2 National fisheries sector legislation, policy, and management	18
2.2.1 <i>Strategic fisheries policy framework</i>	18
2.2.2 <i>Fishery policy strengths and weaknesses</i>	19
2.2.3 <i>Fisheries legal framework</i>	19
2.2.4 <i>Other relevant national policies and frameworks</i>	23
2.2.5 <i>Recent developments in fisheries management</i>	23
2.3 Specific national marine protected area measures	24
2.4 Monitoring, control and surveillance	24
2.4.1 <i>URT ship registers</i>	24
2.4.2 <i>Division of competences in MCS operations</i>	25
2.4.3 <i>MCS human capacity</i>	25
2.4.4 <i>MCS institutional capacity</i>	26
2.4.5 <i>Incidence of IUU fishing</i>	26
2.4.6 <i>International cooperation in fighting IUU fishing</i>	27
2.4.7 <i>Vessel monitoring systems</i>	28
2.4.8 <i>Observers</i>	28
2.4.9 <i>Key IUU fishing risks</i>	28
2.4.10 <i>Piracy</i>	29
2.5 Catch certification	29
3 The domestic marine fishing sector in the URT	30
3.1 Domestic tuna catching sector	30
3.2 Domestic non-tuna marine catching sector	31

3.3	Inland fisheries sector	31
3.4	Upstream supply sector (supplying tuna and non-tuna sector)	32
3.5	Downstream processing and marketing sector (supplying tuna and non-tuna sector)	32
4	Distant water fishing activity in the URT's EEZ.....	35
4.1	Access to the URT's EEZ	35
4.2	Vessel catches and numbers	37
4.3	EU vessel operations in Tanzania <i>vis-à-vis</i> their regional strategy	37
5	Ex ante evaluation.....	39
5.1	Needs to be met in the short or long term.....	39
5.1.1	<i>Needs shared by both the EU and URT</i>	<i>39</i>
5.1.2	<i>URT needs</i>	<i>41</i>
5.1.3	<i>EU needs.....</i>	<i>42</i>
5.2	Lessons learned from the past.....	45
5.3	Objective setting	47
5.4	The policy options available.....	48
5.4.1	<i>Introduction.....</i>	<i>48</i>
5.4.2	<i>Option 1: no FPA/Protocol between the EU and the URT</i>	<i>49</i>
5.4.3	<i>Option 2: an FPA/Protocol between the EU and the URT</i>	<i>50</i>
5.5	The results expected.....	50
5.5.1	<i>Benefits and results shared by the EU and the URT</i>	<i>50</i>
5.5.2	<i>Benefits and results for the EU.....</i>	<i>51</i>
5.5.3	<i>Benefits and results for the URT.....</i>	<i>52</i>
5.5.4	<i>Risks and mitigating measures.....</i>	<i>52</i>
5.5.5	<i>Conclusion regarding the two options.....</i>	<i>53</i>
5.6	The added value of EU/DG MARE involvement in a FPA/Protocol.....	54
5.7	The most appropriate method of implementation for the preferred option	56
5.8	The volume of appropriations, human resources and other administrative expenditure to be allocated with due regard for the cost-effectiveness principle.....	57
6	Key findings and conclusions	58
6.1	Key findings and conclusions about current problems and needs	58
6.2	Key lessons from the past	58
6.3	Key findings and conclusions about the two options considered by the ex ante evaluation.....	59
7	References.....	60

Annexes

Annex A: currency exchange rates used in this report	66
Annex B: list of acronyms/abbreviations.....	67
Annex C: consulted organisations	70
Annex D: methodology	71
Annex E: map of the eastern African marine eco-region	73
Annex F: organisation structure of the authority	74
Annex G: objectives of the draft Fisheries Sector Development Strategy	75
Annex H: relevant non-fishery national policies and frameworks	76
Annex I: marine and coastal protection	77
Annex J: Zanzibar village fishermen committees – a personal account	80
Annex K: tuna and tuna-like fishes recorded in the URT	81
Annex L: description of craft categories	82
Annex M: approved processing plants for exporting fishery products to the EU.....	83

Figures and tables

Figures

Figure 0.1: geographical coverage of the IOTC	2
Figure 1.1: map of the URT's locality and its neighbours showing the main water bodies	4
Figure 1.2: map of the EEZs of Eastern Africa, with the URT EEZ marked with red arrow	4

Tables

Table 1.1: URT development indicators	6
Table 1.2: URT's GDP, by sector, by percentage of GDP	6
Table 1.3: URT global trade imports and exports (million EUR)	10
Table 1.4: EU-27 merchandise trade with the URT, by product, 2012 (million EUR)	10
Table 1.5: donor support to the fisheries sector from non-EU institutions	11
Table 2.1: URT revenue generation to EEZ authority from offshore fisheries (EUR)	17
Table 2.2: revenue and operational costs for management of the URT EEZ (EUR)	17
Table 2.3: other relevant laws and regulations	22
Table 2.4: fishing vessels flagged (registered) by Zanzibar Maritime Authority	25
Table 2.5: MCS staff in mainland Tanzania, Zanzibar and DSFA 2012	26
Table 3.1: catches of tuna and tuna-like species by URT-flagged vessels in URT's waters (tonnes)	30
Table 3.2: FAO estimate of marine capture production (tonnes) (2009 to 2011).....	31
Table 3.3: URT downstream seafood sector	33
Table 4.1: number of foreign tuna vessels authorised to fish in the URT EEZ, 2013	37
Table 4.2: catches of tuna, by fleet, gear and year in the URT EEZ (tonnes)	37
Table 5.1: summary comparison of two policy options being evaluated	54

Introduction

The United Republic of Tanzania (URT) in southeast Africa is a Union composed of mainland Tanzania (former Tanganyika) and Tanzania Island (Zanzibar). It has a coastline that including the islands is 1 424 kilometres (km) long bordering the western Indian Ocean (WIO)¹ and an exclusive economic zone (EEZ) estimated at 241 541 km² (Sea Around Us Project, 2013). The ocean provides a source of food, employment and income to people of the URT through its fishery resources, although marine fisheries provide only 15 % of the overall fishery catch of the URT with the remainder coming from inland water bodies. The marine fisheries resources provide the basis for a small-scale fisheries sub-sector and an industrial fishery that includes demersal finfish and crustacean and highly migratory species, including tuna and tuna-like species. Since 1998 the URT has been issuing fishing authorisations to catch tuna within its EEZ and in 2013, has issued 25 purse seine vessels with fishing authorisation to target tuna.

The tropical tunas in the Indian Ocean are highly migratory and widely distributed: fishing vessels targeting these large pelagic species fish both within coastal state EEZs and on the high seas in order to follow the migration of the tuna. Fishing opportunities for the EU fleet within EEZs are either through Fisheries Partnership Agreements (FPAs) or through private agreements. FPAs provide the European Union (EU) fleet with access to the coastal waters of countries that have resources they cannot, or do not wish to fish. The FPAs have objectives that include: to contribute towards resources conservation and environmental sustainability through responsible fisheries; to protect the EU long-distance fleet and associated employment; and to support the development of sustainable fisheries sectors through allocating part of the EU's financial contribution to support national fisheries policy in the partner countries.

In recent years the EU has signed a number of FPAs and Protocols with 'third countries' in the Ocean WIO and the EU currently has four Protocols in force in the region: with Comoros, Madagascar, Mozambique and Seychelles. A Protocol for an FPA with Mauritius is expected to come into force in the coming months. The current agreements are complementary and strengthen the EU's strategy to create a network of tuna fishing opportunities for EU fishing vessels in the Indian Ocean. They are in line with the 2012 Council Conclusions on the external dimension of the common fisheries policy (CFP) and the revising CFP². The WIO FPAs are focused on promoting partnership arrangements, which secure access for EU vessels to highly migratory species (in particular to yellowfin tuna, bigeye tuna, skipjack tuna, albacore tuna and swordfish), while at the same time providing financial contribution for access, and support to fisheries sectoral policy.

According to Article 30(4) of the new Financial Regulation and Article 18 of its new Rules of Application³, European Commission Services have to undertake both ex ante and ex post evaluations for all programmes and activities that entail significant spending. The Council of the EU Conclusions on the External Dimension of the Common fisheries policy (CFP) adopted on 19 March 2012⁴ also requests that an ex post and ex ante evaluation be undertaken by the European Commission where there is already an FPA/Protocol in place, and an ex ante evaluation be completed where FPAs/Protocols are being considered where they have not previously existed, before a mandate is provided for a new Protocol to be negotiated.

The EU and the URT have not previously had a fisheries agreement, although in 1990 and again in 2004 the EU⁵ and the URT initialled tuna Agreements but neither were implemented. The URT has recently shown

¹ For the purposes of this report defined as the Western Indian Ocean area of competence of the Indian Ocean Tuna Commission (IOTC), see Figure 0.1.

² http://ec.europa.eu/fisheries/reform/index_en.htm.

³ http://ec.europa.eu/budget/biblio/documents/regulations/regulations_en.cfm#rf_modex The new Financial Regulation No 966/2012 of the European Parliament and of the Council of 25 October 2012 repealed Council Regulation (EC, Euratom) No 1605/2002, and the new Rules of Application were adopted by the European Commission on 29 October 2012.

⁴ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/agricult/129052.pdf [accessed on 13 October 2013].

⁵ In 1990 the EU was called the European Economic Community.

interest in more information about a possible future FPA⁶ and since fishing activities by EU vessels under private arrangements are already taking place in the URT EEZ, it is necessary for an ex ante evaluation to be completed of a possible FPA/Protocol with URT. This report provides that evaluation.

This ex ante evaluation of a possible FPA/Protocol between the EU and the URT is informed by a regional analysis of tuna fisheries in the WIO, referred to in this report as the regional report (Poseidon et al., 2014), which provides background information of relevance to this ex ante evaluation. A separate ex ante evaluation has also been completed, of a possible FPA/Protocol with Kenya. Given that the possible FPAs/Protocols being considered with Kenya and the URT, and indeed the existing FPAs/Protocols in the region, are for highly migratory species, i.e. tuna and tuna-like species, this ex ante evaluation of a FPA/Protocol with the URT, and the regional report, only consider highly migratory species.

The sections of this report following this introduction are: section 1 – presents background information on the URT; section 2 – considers the fisheries governance framework in the URT; section 3 – profiles the domestic fisheries sector in the URT; section 4 – assesses the extent of fishing activity in the URT by distant water fishing nations (DWFNs); and section 5 – provides an ex ante evaluation of a possible FPA/Protocol between the EU and the URT. The sub-sections of this report included in the ex ante evaluation are guided by, and based on, the requirements for ex ante evaluations as laid out in Article 18 of the Rules of Application of the Financial Regulation.

This evaluation was completed during the period September to December 2013, and was based on: a review of relevant literature (see references at the end of the main text of this report); a visit by the consultants to the URT (22 to 28 September 2013) to collect much of the information presented in sections 1-4 and to discuss the URT stakeholder views about a possible FPA/Protocol; consultations with relevant regional organisations in the WIO; and relevant consultations in the EU with European Commission services, the European External Action Service (EEAS), Member State administrations, and the private sector.

A map showing the WIO area of competence of the Indian Ocean Tuna Commission (IOTC) is shown in Figure 0.1. The URT lies between longitude 29° and 41° east, latitude 1° and 12° south.

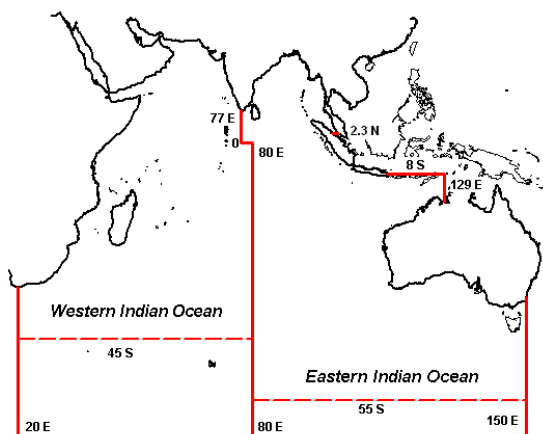


Figure 0.1: geographical coverage of the IOTC

Source: IOTC website http://www.iotc.org/assets/iotc_area_1.gif

⁶ This was initially informal discussions in the margins of recent Indian Ocean Tuna Commission meetings and then in subsequent email exchanges with the Directorate-General for Maritime Affairs and Fisheries (DG MARE).

1 General background to the URT

1.1 Geography

The URT is located south of the equator, on the east coast of the African continent with a total land mass of 945 090 km², making it the largest country in east Africa⁷. It is bordered to the south by Mozambique, Malawi and Zambia; on the west by the Democratic Republic of Congo, Burundi and Rwanda; on the north by Uganda and Kenya; and on the east by the Indian Ocean (Figure 1.1) (Geographia, 2013). The capital is Dodoma and Dar es Salaam is the major commercial city.

The URT enjoys a tropical climate, ranging from hot and humid on the coast, to a more temperate climate in the elevated centre of the country⁸. There are two rainy seasons, generally the heaviest rains fall from mid-March to May and there is a lighter period of rain from November to mid-January⁹. The dry season, with cooler temperatures, lasts from May to October.

The URT coastline is 1 424 km long, including the islands and the total estimated national shelf area is 17 500 km² (SWIOFP, 2011). The country is characterised by plains along the coast, a central plateau, and highlands in the northern and southern regions. The coastal belt varies in width from 20 to 150 km and runs more or less in a northerly direction for 800 km. These low-lying coastal plains are also a characteristic feature for the offshore islands (ASCLME, 2012). Mainland Tanzania's few rivers include the Pangani, the Rufiji and the Ruvuma, all of which flow into the Indian Ocean, and the Malagarasi River, which flows into Lake Tanganyika. In total over 53 000 km² of the land mass is covered by inland water, consisting of mainly lakes including Lake Victoria and Lake Tanganyika. Lake Tanganyika, the longest and after Lake Baikal deepest freshwater lake in the world, forms URT's border with the Democratic Republic of Congo¹⁰.

Climate change is affecting the URT and its fisheries, mainly through destruction or degradation of fish nursery grounds, breeding and feeding areas. Of particular importance is the destruction of coral reefs, a critical habitat for coastal fisheries; this is mainly due to coral bleaching caused by rise of sea surface temperature (URT, 2012b)¹¹.

The URT EEZ covers an estimated 241 541 km² (Sea Around Us Project, 2013) and is bordered by EEZ's of the Union of the Comoros, Kenya, Mozambique and the Republic of Seychelles (see Figure 1.2). The URT EEZ is defined by the Territorial Sea and Exclusive Economic Zone Act of 1989 (URT, 1989).

⁷ <http://geography.about.com/library/cia/blctanzania.htm> [accessed on 9 August 2013].

⁸ http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Geography_of_Tanzania.html [accessed on 9 August 2013].

⁹ Tanzania Facts and Information: <http://goafrica.about.com/od/tanzania/a/tanzaniafacts.htm> [accessed on 12 August 2013].

¹⁰ Tanzania Geographical Information: <http://www.journeymart.com/de/tanzania/geographical-information.aspx> [accessed on 12 August 2013].

¹¹ See section 1.1.2 of the regional report for a fuller explanation of the likely impacts of climate change on the WIO.



Figure 1.1: map of the URT's locality and its neighbours showing the main water bodies

Source: Adapted from http://www.promarconsulting.com/site/wp-content/uploads/2012/05/Tanzania_2012.pdf

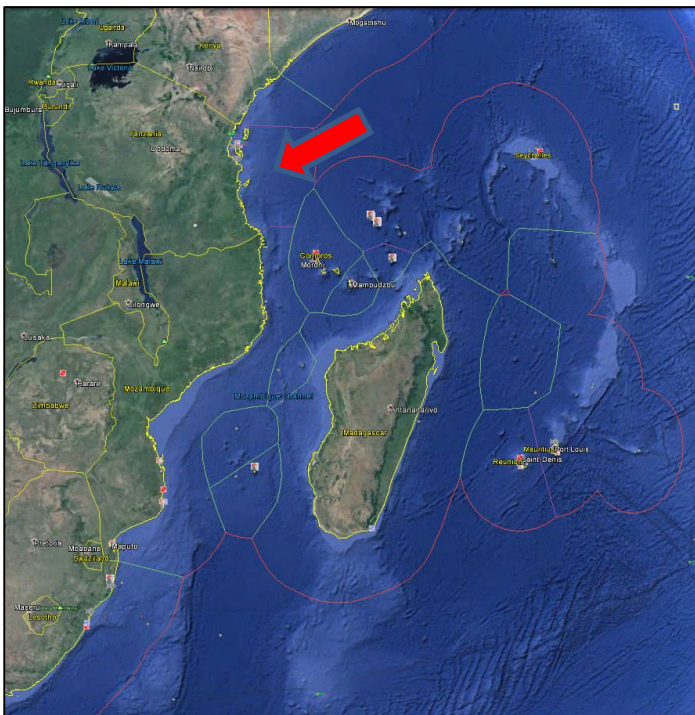


Figure 1.2: map of the EEZs of Eastern Africa, with the URT EEZ marked with red arrow

Source: VLIZ (2012) Maritime Boundaries Geodatabase, version 7¹²

Note: Red lines indicate 200 nautical miles (nm), purple indicates negotiated line or mid line, green indicates a non-negotiated mid line

1.2 Political situation

The URT is a Union composed of two formerly independent countries, mainland Tanzania (former Tanganyika) and Tanzania Island (Zanzibar), which united in 1964 to form the new nation. The two halves of the Republic

¹² Available online at <http://www.marineregions.org/> [accessed on 2013, November 12].

have somewhat different evolution and system of local government (The City of Tampere, 2006), with the latter granted a semi-autonomous status within the Union framework. Presently, the Union Government and the Government of mainland Tanzania are merged and thus represented by the same administration, while the semi-autonomous Zanzibar has its own government, known as the Revolutionary Government of Zanzibar¹³.

The nation's first president, Julius Nyerere, ruled the country from 1964 to 1985, and was succeeded by Ali Mwinyi who amended the constitution to allow multi-party, democratic election (Hingley, 2012), which led to the establishment of the multi-party system in 1995. In October 2010, the URT held its fourth multi-party elections, and President Kikwete of the ruling Chama Cha Mapinduzi (CCM) party secured re-election for a second term winning just over 60 % of the votes and with the CCM winning 74 % of the seats in parliament.

In Zanzibar, the Revolutionary Government of Zanzibar is made up of the Revolutionary Council and House of Representatives. Zanzibar has a Government of National Unity (GNU) formed following a referendum in July 2010¹⁴. Dr Ali Mohamed Shein, a strong ally of President Kikwete, won the presidential election with 50 % of the votes and has been the President of Zanzibar and the Revolutionary Council since 1 November 2010 (The Revolutionary Government of Zanzibar, no date).

There has been a gradual increase in political pluralism, but the CCM remains dominant in government and parliament. Opposition parties periodically accuse the CCM of subverting their aspirations and for the need to allow independent candidates to run for office. In response to this, in late 2010 President Kikwete announced that a Constitutional Review Commission would be established (Dagne, 2011), this was set in force through the 2011 Constitutional Review Act and in 2012 a Constitutional Review Commission was appointed to collect public opinion for a review of the Constitution that would be validated via a referendum. The Commission was expected to complete its task by October 2013 but due to widespread opposition to the new draft Constitution, particularly by opposition leaders, mainly in respect to the sharing of power between mainland Tanzania and Zanzibar, in November 2013 the second amendment to the Constitutional Review Act was passed, to incorporate demands to increase the number of members of the Constituent Assembly from 166 to 201. The members will include the following: 20 people from non-governmental organisations (NGOs), 20 from faith-based organisations, 42 from registered political parties, 20 from higher learning institutions, 20 with special needs, 19 from trade unions, 10 from associations of livestock keepers, 10 from fisheries associations, 20 from agricultural associations and 20 others¹⁵.

According to the URT Country Strategy Paper 2011-2015 (African Development Bank, 2011), the URT continues to be politically stable and peaceful; free of ethnic cleavages and labour unrest. They note that the areas where the URT is doing well include liberties such as: freedoms of press, speech and religion; freedom of assembly and association, and constitutionally guaranteed women's rights. Whereas areas needing improvement include: weak transparency and accountability of institutions; business climate bottlenecks; and deteriorating educational quality.

1.3 Development and economic status

The URT is one of the world's least-developed countries, ranked on the UNDP's Human Development Index (HDI) 152nd of 187 countries in 2012, showing an improvement of 15 places since 2007 (UNDP, 2013). Gross domestic product (GDP) in 2012 was EUR 21.08 billion and GDP per capita was EUR 455 (Hingley, 2012). The economy is growing at a real rate of 7 % (2012) with an inflation rate of 16 %. The URT's account deficit

¹³ An explanation of the impacts this has on fisheries is provided in section 2.1.

¹⁴ In a July 2010 referendum that preceded general elections, 66.4 % of Zanzibari voters agreed to the formation of a Government of National Unity (GNU). The GNU was, in effect, a political compromise between the two key political parties; CCM and Civic United Front (CUF).

¹⁵ <http://www.policyforum-tz.org/resources/tanzania-constitutional-review-resources> and <http://allafrica.com/stories/201311100315.html> [accessed on 13 November 2013].

grew from 9.8 % in 2009 to 13.6 % in 2011, and was projected to increase in 2012 to 15.8 % (DG Trade Statistics, 2011) notably due to the energy and transport sectors.

Table 1.1: URT development indicators

Indicator	
Gross domestic product (GDP)	EUR 21.08 billion
Real GDP growth rate	7 % (2012)
Inflation	16 % (2012)
GDP per capita	EUR 455 (2012)
Human Development Index (HDI)	0.476 (2012)
Life expectancy at birth	58.9 years (2012)
Adult literacy rate	73 % (2010)
Mean number of years at school	5.1 years (2010)
% living below poverty line	57.8 % (WHO, 2011)

Source: United Nations Development Programme (UNDP)¹⁶

The overall macroeconomic performance is reported to be strong, with inflation so far in 2013 reported to be around 8 % and GDP growth projected at about 7 % in the medium term (OECD, 2012). The main drivers of growth are telecommunications, transport and financial intermediation, manufacturing and construction and trade. The found natural gas resources also offer potential, while the current energy crisis may have a negative impact on overall growth prospects in the medium term. Overall, the economy of the URT is reported to be relatively resilient to both internal and external shocks (OECD, 2012). The World Bank Doing Business Guide ranks the URT at 134 (with the lowest score being 185), which is slightly above the sub-Saharan average of 140 and neighbouring Mozambique at 146 but below that of Kenya at 121 (World Bank, 2013a).

The URT has a population of 47 million people (2012) of which 1.3 million are in Zanzibar (URT, 2013) and is classified by the FAO as a low-income food-deficit country (LIFDC)¹⁷. Population growth rate reduced from 2.6 % in 2002 to 1.96 %¹⁸ in 2012. The rise in HDI values from 0.353 in 1990 to 0.476 in 2012¹⁹ indicates improvements in health, education and income, although from a relatively low base. This compares with the average HDI values for the neighbouring coastal and small island states; Comoros (0.429), Kenya (0.519), Madagascar (0.483) and Mozambique (0.327) (UNDP, 2013).

The fisheries sector is important for food in the URT with 21 % of the total animal protein consumed in Tanzania being provided from fish and fishery products²⁰. This compares with an average for Africa of 19 % or 26 % for least developed countries (LDCs) and per capita supplies of 9 kilogrammes (kg) and 11 kg respectively²¹. In 2010 fisheries production was approximately 350 000 t and exports were valued at EUR 115 million, making up about 1.4 % of the URT's GDP (Promar Consulting, 2011).

Table 1.2: URT's GDP, by sector, by percentage of GDP

Sector	2006	2007	2008	2009	2010	2011
--------	------	------	------	------	------	------

¹⁶ <http://hdr.undp.org/en/> and <http://data.worldbank.org/country/tanzania>. Estimate 2011, DG Trade, the URT, main economic indicators: http://trade.ec.europa.eu/doclib/docs/2011/january/tradoc_147400.pdf

¹⁷ <http://www.fao.org/countryprofiles/lifdc/en/> [accessed on 13 October 2013].

¹⁸ http://www.indexmundi.com/tanzania/population_growth_rate.html [accessed on 13 October 2013].

¹⁹ UNDP, HDI: <http://hdr.undp.org/en/> [accessed on 13 October 2013].

²⁰ No data located for Zanzibar.

²¹ ftp://ftp.fao.org/FI/CDrom/CD_yearbook_2010/root/food_balance/section1.pdf [accessed on 13 October 2013].

Sector	2006	2007	2008	2009	2010	2011
Agriculture, hunting, forestry and fishing	30.4	30	29.4	28.8	28.1	27.7
Construction	8.6	8.6	8.4	8.8	8.8	8.8
Electricity, gas and water	2.2	2.2	2.3	2.3	2.3	2.4
Finance, real estate and business services	11.4	12.3	12.3	11.8	10.4	11.4
General government services	8.2	8.7	-	-	-	8.8
Manufacturing	8.6	8.6	8.5	9.5	9.9	10.2
Mining	3.5	3.9	3.7	3.7	3.7	3.7
Other services	4.1	2.8	-	-	4.1	2.7
Transport, storage and communications	7	7.2	7.3	7.9	8	8.2

Source: OECD, 2012.

The Tanzania Development Vision 2025²² aims at achieving high-quality livelihoods for all, good governance through applying the rule of law and the development of a strong and competitive economy. Some of the specific targets relevant to the fisheries sector include food self-sufficiency and security, a diversified and semi-industrialised economy, macro-economic stability, physical infrastructure development, and for the URT to be an active and competitive player in regional and global markets. This Vision is realised through the Second National Strategy for Growth and Reduction of Poverty (NSGRP II- MKUKUTA II), 2010-2015 and the Zanzibar Strategy for Growth and Reduction of Poverty (MKUZA II), 2010-2015. These strategies demonstrate the governments' commitment to accelerating economic growth, fighting poverty and realising the United Nations Millennium Development Goals (MDGs) of transforming the URT into a middle-income country by 2025. Within these, the agricultural sector (including fisheries) is targeted for national growth as it is a key sector of importance in employment (employing 75 % of the workforce) and as the supplier of basic food commodities. Fisheries and livestock subsectors account for about one third of agricultural GDP and the fisheries contribution is reported to have steadily increased at a rate of 5 % per year during the period 1998-2007²³. Therefore, more effective productivity of the fisheries sector will contribute to the development goals set out in the national frameworks.

Another important indicator of positive development is the overall level of good governance and whether this is improving. In 2012 the Mo Ibrahim Foundation²⁴ published its 2012 Index of African Governance and reported that the URT entered the top 10 ranked countries on the continent in the Ibrahim Index of African Governance (IIAG) for the first time. The URT came second out of 11 countries in East Africa, and tenth out of 52 in the overall ranking. The ranking includes four categories of governance: Safety and Rule of Law, Participation and Human Rights, Sustainable Economic Opportunity and Human Development. The URT showed improvements between 2000 and 2011 in its scores for these areas.

1.4 Geo-political relationships

The URT is a member of the African Union (AU), which has been taking an increasingly active coordinating role in the fisheries sector. In 2010, in the Gambia, the AU held the first Conference of African Ministers of Fisheries and Aquaculture. The objectives included the 'options and context for fisheries policy and governance reform in Africa; and the role of African fisheries and aquaculture in the Comprehensive African

²² <http://www.tanzania.go.tz/pdf/theTanzaniadevelopmentvision.pdf>

²³ <http://www.caadp.net/pdf/stocktaking%20-%20tanzania.pdf> [accessed on 9 October 2013].

²⁴ <http://www.moibrahimfoundation.org/downloads/press-releases/iag-launch-tanzania.pdf> [accessed on 9 October 2013].

Agricultural Development Programme (CAADP), food security and economic development' (African Union, 2010).

Together with four other countries in the region, the URT is a member of the East African Community (EAC) and houses its headquarters in Arusha, mainland Tanzania (African Union 2013). The Treaty for the Establishment of the East African Community came into force on 7 July 2000, and at the time was ratified by the original three member states: Kenya, Uganda and the URT. It has since been amended twice, in 2006 and 2007, and Burundi and Rwanda are now members. It was established to widen and deepen cooperation in political, economic and social fields and the Treaty commits members to cooperate to ensure 'the adoption of common policies and regulations for the conservation, management and development of fisheries resources' (EAC, 2008). In the last year the URT appears to have been sidelined by other members of the EAC, by not inviting them to meetings or excluding them from projects. In response in early November 2013, President Kikwete addressed Parliament stating that he is committed to remain in the EAC and to continue to build the Community despite this side-lining²⁵. This was followed on 11 November by Kenya's Cabinet Secretary for Foreign Affairs, Amina Mohamed, holding a press conference to reassure the URT that it wishes to work together in respect to EAC integration and she dispelled concerns that there are any moves to sideline the URT in the regional bloc²⁶.

The Southern African Development Community (SADC) was established in 1992 and the URT and 14 other countries in the region are members²⁷. A legally binding Protocol on Fisheries was signed in 2001 and entered into force in 2002, committing Member States to harmonise their domestic legislation with particular reference to fisheries and the management of shared resources, to take adequate measure to optimise fisheries law enforcement²⁸. Ministers responsible for fisheries in SADC coastal States signed a Statement of Commitment on illegal, unreported and unregulated (IUU) fishing²⁹ in July 2008, which prioritised improving regional and inter-regional cooperation, and strengthening fisheries governance and legal frameworks. Plans are also ongoing to establish a Regional monitoring, control and surveillance (MCS) Centre in Maputo, Mozambique to support the implementation of the Statement of Commitment.

The URT is a member of various regional fisheries bodies (RFBs), full details of which are contained in the Regional report section 2, these are:

- The Indian Ocean Tuna Commission (IOTC);
- The Southwest Indian Ocean Fisheries Commission (SWIOFC);
- The Western Indian Ocean Tuna Organization (WIOTO); and
- The International Whaling Commission (IWC).

In addition, the URT is a member of two inland RFBs that are not discussed in the regional report. These are:

- The Lake Victoria Fisheries Organization (LVFO) – an institution of the EAC mandated to manage the fisheries resources of Lake Victoria, and comprising the member States of Kenya, the URT and Uganda³⁰. The LVFO aims to harmonise, develop and adopt conservation measures for the

²⁵ <http://www.theafricareport.com/East-Horn-Africa/unease-in-east-african-community-after-tanzania-deportations.html> and <http://www.nation.co.ke/news/Tanzania-will-not-quit-EAC-Kikwete/-/1056/2064316/-/c1pdwaz/-/index.html> [accessed on 14 November 2013].

²⁶ <http://www.ippmedia.com/frontend/?l=61385> [accessed on 14 November 2013].

²⁷ SADC webpage: <http://www.sadc.int/about-sadc/> [accessed on 9 October 2013].

²⁸ SADC Protocol on Fisheries: http://www.sadc.int/files/5613/5292/8363/Protocol_on_Fisheries2001.pdf [accessed on 9 October 2013].

²⁹ Stop Illegal Fishing Website: http://www.stopillegalfishing.com/statement_of_commitment.php [accessed on 9 October 2013].

³⁰ <http://www.fao.org/fishery/rfb/lvfo/en> [accessed on 9 October 2013].

sustainable utilisation of the resources of Lake Victoria and optimise socio-economic benefits for the member States³¹; and

- The Committee on Inland Fisheries and Aquaculture of Africa (CIFAA) – a regional advisory body inclusive of 37 countries. Its main objective is to promote the development of inland fisheries and aquaculture in Africa³².

In addition, the Western Indian Ocean Marine Science Association (WIOMSA) is a regional advisory, non-governmental organisation, registered in Zanzibar. It is committed to promoting the development of marine sciences throughout the WIO region, and has 10 member States³³. WIOMSA recently signed a Memorandum of Understanding with the United Nations Environment Programme (UNEP) making it responsible for providing research, technical, managerial and advisory support to UNEP as requested.

1.4.1 Maritime zones and delimitation of maritime boundaries

In 1989, the URT enacted the Territorial Sea and Exclusive Economic Zone Act establishing a territorial sea the breadth of which extends to 12 nautical miles and claiming an EEZ extending up to 200 nautical miles. There are no present disputes over maritime boundaries between the URT and neighbouring countries. The delimitation of the maritime boundaries with Kenya, Mozambique and the Republic of Seychelles were signed in 1976³⁴, 1988³⁵ and 2002³⁶ respectively. An agreement for the delimitation of the maritime boundaries of the Republic of Seychelles, the Union of Comoros and the URT on the Indian Ocean triple-point was signed in February 2012 in Victoria, Seychelles, as part of the implementation of the AU border programme paving the way for the marking of the border³⁷. In 2012 the URT prepared a Submission to the United Nations Commission on the Limits of the Continental Shelf, pursuant to article 76 of the 1982 Law of the Sea Convention, claiming an extension of its continental shelf beyond 200 nautical miles from the territorial sea baselines (URT, 2012b). The outer limit of the extended continental shelf claimed by the URT encloses an area of approximately 61 000 km².

1.5 Trade from and to the URT

The URT is party to various regional integration and trade bodies such as the regional economic communities (RECs) of EAC and SADC mentioned above. Previously the URT was a member of the Common Market for Eastern and Southern Africa (COMESA), from which it withdrew in 2000. However, Kenya and Uganda remain members of the COMESA, complicating the drive towards a unified market within COMESA. Starting in 2008, there are plans to merge 26 countries in eastern and southern Africa into a single trading bloc under the COMESA-EAC-SADC tripartite arrangement, which will have a combined gross domestic product (GDP) of EUR 466 billion (African Development Bank, 2011).

The URT as an ACP LDC is granted non-reciprocal trade preferences by the EC under the Cotonou Agreement and the Everything But Arms (EBA) initiative (see regional report section 5.3). With the United States of America (USA) it is granted non-reciprocal trade preferences through the African Growth and

³¹ LVFO website: <http://www.lvfo.org/> [accessed on 9 October 2013].

³² <http://www.fao.org/fishery/rfb/cifaa/en> [accessed on 9 October 2013].

³³ WIOMSA webpage: http://www.wiomsa.org/index.php?option=com_content&view=article&id=48&Itemid=63 [accessed on 9 October 2013].

³⁴ <http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/TZA-KEN1976TW.PDF> [accessed on 2 October 2013].

³⁵ <http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/TZA-MOZ1988TM.PDF> [accessed on 2 October 2013].

³⁶ <http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/TZA-SYC2002MB.PDF> [accessed on 2 October 2013].

³⁷ <http://www.peaceau.org/uploads/com-auc-delimitation-com-sey-tan-18-02.pdf> [accessed on 2 October 2013].

Opportunity Act (AGOA), and further trade preferences are provided through the generalised system of preferences (GSP) schemes of Australia, Canada, EU, Japan, New Zealand and the United States. It has also participated in the agreement on the global system of trade preferences among developing countries (GSTP) since 19 April 1989. Under the GSTP, India and Turkey grant preferential access to the URT (African Development Bank, 2011).

The URT was initially one of the eight countries negotiating the SADC Economic Partnership Agreement (EPA) with the EU, but was compelled to leave the SADC EPA group and proceed with negotiations as a member of the East and Southern Africa (ESA) EPA group (ACP-EU trade, 2011). Five countries, Burundi, Rwanda, Kenya, Uganda and the URT, initialled a framework EPA (mainly dealing with trade in goods) on 28 November 2007, and are now negotiating a comprehensive regional EPA. The framework agreement has not been signed or ratified and at the latest Senior Official meeting in Arusha on 17-19 July 2013 many issues remained outstanding (European Commission, 2013, see regional report section 5.3 for further details).

The URT had a large trade deficit with the rest of the world in 2012, importing EUR 10.6 billion and exporting EUR 3.1 billion worth of goods (see Table 1.3). The EU has a positive trade balance with the URT, exporting EUR 1.1 billion and importing EUR 0.5 billion worth of goods (DG Trade Statistics, 2012) (see Table 1.4). The EU exports to the URT are dominated by machinery and transport equipment (EUR 573 million) accounting for half the value of exports, followed by 'other' products (EUR 202 million) and chemicals (EUR 172 million). The URT's main category of export to the EU is agricultural products (EUR 336 million) and there is a small surplus in the trade of fuels and mining products (EUR 56 million), (DG Trade Statistics, 2011).

Table 1.3: URT global trade imports and exports (million EUR)

	2008	2009	2010	2011	2012
Exports	1 763	1 700	2 308	2 704	3 126
Imports	6 694	5 925	7 804	9 429	10 590
Balance	- 4 931	- 4 225	- 5 496	- 6 725	- 7 464

Source: DG Trade Statistics, 2012

Table 1.4: EU-27 merchandise trade with the URT, by product, 2012 (million EUR)

	Product	2012
Exports	Agricultural products (food (including fish) and raw materials)	337
	Fuels and mining products	89
	Chemicals	0
	Machinery and transport equipment	6
	Textiles and clothing	2
	Other products	36
	Total exports	470
Imports	Agricultural products (food (including fish) and raw materials)	75
	Fuels and mining products	33
	Chemicals	172
	Machinery and transport equipment	573
	Textiles and clothing	4
	Other products	202
	Total imports	1 059
Balance		589

Source: DG Trade Statistics, 2012

According to the Organization for Economic Cooperation and Development's (OECD) trade facilitation indicators, the URT performs better than the average of the Sub-Saharan African low-income countries in the areas of information availability, involvement of the trade community, harmonisation and simplification of documents, automation, and internal border agency co-operation, amongst others (OECD, 2013).

The URT is amongst the countries with the largest foreign trade in fisheries products³⁸. It exports high-value products such as Nile perch and shrimp, mainly to Europe (Hempel et al, 2012).

1.6 Fisheries sector development cooperation

1.6.1 EU/third-country cooperation strategy with the URT

The EU has engaged in fisheries development support through structured programmes and funding, and through sub-projects to programmes related to food security, agriculture, etc. Most importantly, such support for URT has included:

- Implementation of a Regional Strategy for the ESA-IO (IRFS) Project (GCP/RAF/466/EC), also known as the SmartFish project (see regional report);
- The African, Caribbean and Pacific (ACP) FISH II Programme (see regional report);
- Accompany developing countries in complying with the implementation of Regulation 1005/2008 on IUU fishing (EU IUU project – see regional report);
- Trade and Agriculture Support Programme – to improve food security and agricultural productivity in order to lift farmers out of poverty, with a budget of EUR 55 million, the EU is promoting easier access to local and international markets and better competitiveness of agricultural products including fisheries through the improvement of standards 2007-2013;
- SAGCOT (Southern Agricultural Growth Corridor of Tanzania), an initiative launched by the URT to stimulate sustainable commercial agricultural development in southern mainland Tanzania through improved rural infrastructure and new types of finance. The EU support to SAGCOT was reconfirmed at the May 2012 G8 Summit in Camp David, which launched a new initiative called the 'New Alliance to improve food security and nutrition'; and
- Various initiatives were introduced in recent years to respond to the 2007/08 food crisis, such as the EUR 1 billion Food Facility launched in 2009 (from which the URT has benefited with EUR 32 million, including EUR 20 million as general budget support) while some EUR 12 million allocated to projects implemented by non-governmental organisations (NGOs), (European Union, 2012).

1.6.2 Non-EU institutions donor support for the fisheries sector in the URT since 2010

The regional report discusses the support provided by other partners to the WIO region at a regional level, so such support is not repeated here (see regional report section 2.3.2). With regard to specific national projects, the most significant are listed in Table 1.5.

Table 1.5: donor support to the fisheries sector from non-EU institutions

Project title	Donor	Focus areas of project	Duration	Budget
EAF-Nansen Project 'Development of the artisanal fisheries	Norway, through FAO	This project will support the development of an artisanal fishery management plan that provides for clearly defined harvesting strategies in line with the FAO Code	Ongoing	EUR 40 983 (for both

³⁸ Among a group of 19 countries from east, southern and central Africa and WIO islands.

Project title	Donor	Focus areas of project	Duration	Budget
management in URT and Seychelles ³⁹		of Conduct for Responsible Fisheries and an Ecosystem Approach to Fisheries. It seeks to engage stakeholders to a sustainable management process.		countries)
Marine and Coastal Environment Management Project (MACEMP) project	World Bank	The objective is to strengthen the sustainable management and use of URT EEZ, territorial seas and coastal resources, resulting in enhanced revenue collection, reduced threats to the environment, better livelihoods for participating coastal communities living in the coastal districts, and improved institutional arrangements ⁴⁰ .	2005-2013	EUR 48 million

Source: Consultants' findings

³⁹ EAF-Nansen web page: <http://www.eaf-nansen.org/nansen/topic/18212/en> [accessed on 24 February 2014].

⁴⁰ The World Bank, 2013b. 'Implementation completion and results report on a credit in the amount of SDR 33.9 million and a GEF grant in the amount Of USD 10 million to the URT for a marine and coastal environment management project'. Reported that: 'The August 2013 evaluation of the MACEMP produced the following results: 'Outcomes were moderately unsatisfactory, global environment objective outcome (GEO) was moderately unsatisfactory, risk to development outcome was substantial, risk to GEO outcome was substantial, Bank performance was moderately unsatisfactory, and borrower performance was moderately unsatisfactory. Some lessons learned included: complex, difficult operations in the fisheries sector with a high degree of innovation require an extended time horizon, a high degree of flexibility, continuous support for progressive capacity-building and repeat financing to maximize impact, learning and sustainability; given the complexity of the fisheries sector, which addresses both coastal and offshore issues and involves a wide range of institutions, a phased approach is recommended for improved management; the scope of pilot operations need to be carefully defined at the outset; when adopting a multispectral approach, the scope of activities needs to be focused on what the project can realistically achieve; when projects are heavily focused on mainstreaming into government structures, tensions can arise between the need to build the institutions' capacity and the need to effectively deliver the project.'

2 Fisheries governance in the URT: institutions, legislation, policy and management framework

Regional fisheries governance in the WIO is outlined in the regional report and is therefore not covered in this report. However, whilst being driven by regional authorities, individual national authorities are key to the successful implementation of regional measures.

Considering that access by foreign fishing vessels to URT's fisheries may only be granted in the URT EEZ, this section will primarily focus on the institutional arrangements and legal, policy and management frameworks applicable in that area.

2.1 Institutional structures for fisheries sector management

Fisheries is not listed as a Union matter under Schedule 1 of the 1977 Constitution⁴¹. As a result, the management of fisheries in the URT is shared between mainland Tanzania and Zanzibar. The former is responsible, through the Ministry of Livestock and Fisheries Development (MLFD), for the management of inland fisheries on the mainland and for marine fisheries (inshore fisheries) within the territorial waters off the mainland coastline. The latter is in charge, through the Ministry of Livestock and Fisheries (MLF), for the management of fisheries within the territorial waters around Zanzibar and Pemba islands. To date, no clear line demarcating the extent of the jurisdiction between mainland Tanzania and Zanzibar within the 12 nautical mile limit has been established⁴². Up until the creation of the Deep Sea Fishing Authority (DSFA) in 1998, mainland Tanzania and Zanzibar exercised concurrent authority over fisheries in the URT EEZ. This led to the licensing of foreign-flagged fishing vessels by competent authorities in both mainland Tanzania and Zanzibar. European purse seiners were authorised by mainland Tanzania, whereas longliners flying the flag of Asian countries were principally authorised in Zanzibar. This situation created confusion and was seen as inadequate to ensure sustainable management of the fisheries resources occurring in the URT EEZ. Since the enactment of the Deep Sea Fishing Authority Act, 1998, authority for the management of fisheries resources in the URT EEZ has been vested in the DSFA.

2.1.1 The URT EEZ

With the establishment of the DSFA in 1998, overall management and development of fisheries resources in the URT EEZ is now vested in the DSFA. The DSFA, which is based in Zanzibar, is a joint management mechanism with representatives of both mainland Tanzania and Zanzibar.

The main functions of the DSFA include:

- (a) Promoting, regulating and monitoring fishing activities in the URT EEZ;
- (b) Regulating access to the fisheries in the URT EEZ through a licensing system;
- (c) Formulating fisheries guidelines;
- (d) Planning and implementing fisheries law enforcement activities; and
- (e) Negotiating fisheries access agreements.

⁴¹ The 1977 Constitution is under review. One of the main changes anticipated is the establishment of a full-fledged federation with a three-tier government system, comprising the Government of the United Republic of Tanzania, the Government of mainland Tanzania and the revolutionary Government of Zanzibar. This should allow a clearer division of powers between the Union, mainland Tanzania and Zanzibar. There is also provision for the setting up of a Commission for Government Relations and Procedure, whose primary functions are, *inter alia*: (i) to promote and facilitate coordination and cooperation between the Partners of the Union concerning non-Union matters; and (ii) to create an enabling environment for the settlement of conflicts between the Government of the United Republic and the Governments of the Partners of the Union. The number of Union matters will be drastically reduced from 22 to 7. Foreign Affairs is intended to remain a Union matter. Fisheries will continue to be under the authority of the Government of mainland Tanzania and of the Government of Zanzibar. The current government is pushing for the new Constitution to be adopted before the presidential election due in 2015, but there is uncertainty as to whether or not this will be achieved.

⁴² The World Bank, through the SWIOFish project, will assist the two parties in finding an agreement on this issue, for more information on the SWIOFish project see regional report.

The DSFA comprises three organs: the Executive Committee, the Technical Advisory Committee and the Director General (see Annex F).

The Executive Committee is made up of seven members, including the Principal Secretary of the Ministry responsible for fisheries in the Revolutionary Government of Zanzibar, the Permanent Secretary of the Ministry responsible for fisheries in the Union Government, the Permanent Secretary of the Vice President's Office responsible for Union matters, and the Director General of the DSFA, who is the Secretary of the Committee.

The principal functions of the Executive Committee include:

- (a) Appointment of officers of the rank of director or manager;
- (b) Approval and determination of fisheries policies; and
- (c) Approval of criteria for issuance of fishing authorisations.

Where the Executive Committee fails to reach a decision on any matter within its remit, the Chairman is required to refer the matter to the Minister responsible for fisheries in mainland Tanzania, who must consult with his counterpart in Zanzibar and the Minister responsible for foreign affairs and international cooperation in the URT. The decision reached thereof shall be binding on both sides of the Union.

The Technical Advisory Committee is made up of both the Directors of fisheries from mainland Tanzania and Zanzibar, scientific researchers, economists, lawyers and appointed persons having knowledge and experience in the fisheries industry and its main functions include: (a) making proposals for the formulation of fisheries policies; and (b) advising on the type of fishing vessels, gears and methods.

The Director General is answerable to the Executive Committee for:

- (a) Receiving fishing authorisation applications and issuing fishing authorisations;
- (b) Preparing the annual budget of the DSFA;
- (c) Preparing short-term and long-term plans for the DSFA to be approved by the Executive Committee;
- (d) Keeping and maintaining records of vessels authorised to carry out fishing activities in the URT EEZ, of fish catches, and of fisheries offences; and
- (e) Monitoring and surveillance of fishing activities in the URT EEZ (see organisation chart in Annex F).

In 2007 the position of Deputy Director General was created to ensure a balance in representation between mainland Tanzania and Zanzibar. If the Director General is from Zanzibar, as is currently the case, the Deputy Director General must be from mainland Tanzania and vice versa. The Director General and Deputy Director General are appointed for a three-year term and the current Director General's term will end in December 2015⁴³.

Although the Deep Sea Fishing Authority Act was enacted in 1998, the DSFA was established in 2009 and has been operational since 2010. Thus, it is still early days but it seems that its role and functions are progressively being recognised by other state institutions both in mainland Tanzania and Zanzibar as well as international organisations. Direct support to DSFA from donors such as the World Bank (MACEMP see section 1.6) has supported infrastructure development, such as the DSFA building, and this support is envisaged to continue through the SWIOFish regional project. Funding is anticipated to cover areas including development of a

⁴³ The Deep Sea Fishing Authority (Amendment) Act, 2007 stipulates that '[T]he tenure of office for the Director General and the Deputy Director General shall be three years only' (emphasis added). The use of the word 'only' indicates that whoever is appointed Director General or Deputy Director General can serve one term only. It is not renewable.

fisheries policy for the URT EEZ and an MCS strategy, all important areas that will strengthen the role that the DSFA has in fisheries management.

Currently, the DSFA employs eight people, including the Director General and support staff. It is in the process of developing its financial regulations. Once these regulations are approved, the DSFA will be in a position to hire an additional seven people. The budget has already been made available for this recruitment.

2.1.2 Mainland Tanzania

The Ministry having the mandate for overall policy to guide management and development of fisheries resources is the MLFD. At the central level, the Ministry has offices in Dar es Salaam. Within the Ministry the Fisheries Development Division (FDD) is one of five Divisions and is tasked with management of the sector by issuing fishing authorisations for the exploitation and general utilisation of the fishery resources. It also plays a key role in information and data collection. The FDD is sub-divided into three sections, the Fisheries Marketing and Quality Control Section (FMQCS), the Monitoring Control and Surveillance Section (MCSS) and the Fisheries Resources Development Section (FRDS). The FMQCS is in charge of Sanitary and Phyto-Sanitary (SPS) and Catch Certification Schemes (CCS), the MCSS of monitoring control and surveillance and licensing and the FRDS of coordination, planning and statistics⁴⁴. The FDD operates through five branches in Tanga, Dar es Salaam, Mafia, Kilwa and Ntwara with the Heads of branches answering directly to the Director of Fisheries Resources Development.

There are 16 District Authorities (DAs) located along the coast of mainland Tanzania with District Fisheries Officers attached to them and employed by local government, not by the MLFD. The District Fisheries Officers posted in the DAs are tasked with the licensing of fishing vessels with a length of less than 11 metres, and are also responsible for local MCS work. More than 99 % of the vessels operating in the mainland Tanzanian fishing fleet are less than 11 metres in length, implying that virtually the entire fleet is authorised through the DA offices.

The Tanzania Fisheries Research Institute (TaFIRI)⁴⁵, headquartered in Dar es Salaam, has a mandate to promote, conduct and manage fisheries research for sustainable development of fisheries in mainland Tanzania. To this end, it is responsible for carrying out research on fisheries resources in both fresh and marine waters and for disseminating research findings to government and stakeholders.

Other government institutions that collaborate on issues related to fisheries include: the National Environment Management Council (NEMC); the Ministry of Agriculture and Food Security; the Ministry of Justice and Constitutional Affairs; the Ministry of Water and Energy; the Ministry of Home Affairs; and the Ministry of Defence (Navy Division). Mainland Tanzania has a range of training and academic institutes that cover fishery and related training and academic courses, these include:

- The Mbegani Fisheries Development Centre (MFDC);
- The Nyegezi Freshwater Fisheries Institute (NFFI);
- The Kunduchi Fisheries Institute;
- The Institute of Marine Science and the Faculty of Aquatic Sciences and Technology under the University of Dar es Salaam; and
- The Sokoine University of Agriculture (SUA).

⁴⁴ Ministry of Livestock and Fisheries Development official website: www.mifugo.go.tz/ [accessed on 12 October 2013].

⁴⁵ www.tafiri.go.tz/ [accessed on 12 October 2013].

There are several NGOs that are active in fisheries. These include the organisation of small-scale fishermen in Dar es Salaam that aims to foster the bargaining power of its members in the market economy and to enhance the economic and social wellbeing of its members (Kweka et al., 2006). The Tanzania Industrial Fishing and Processors Association (TIFPA) looks after the interests of fish processors and exporters with regard to their export investments in fish and fishery products. Its head office is in Dar es Salaam. Formed in 2006 as a result of merging of two Associations – the Lake Victoria Fish Processors Association of Tanzania and the Industrial Fishing and Processors Association – the Association has 16 members, 11 operating at Lake Victoria and five on the Tanzanian coast, i.e. all the companies active in the coastal zone (Macfadyen, 2012). While the Dar es Salaam Fishers Union (UWAWADA) and Crews Associations for commercial fishing vessel workers in Tanzania (WAMEUTA) look after the interests of the fishers.

2.1.3 Zanzibar

The Ministry of Livestock and Fisheries (MLF) has the mandate of overall management and development of livestock and fisheries resources. Responsibility for the management of the fisheries sector shifted from the Ministry of Agriculture, Livestock and Environment to the MLF in 2010 pursuant to the fourth Zanzibar multi-party general election in November 2010. The Department of Fisheries Development (DFD) is one of six departments under the MLF. It is sub-divided into four technical units: the Marine Conservation Unit, the Development of Artisanal Fisheries Unit, the Development Fisheries Industry Unit and the Monitoring Control and Surveillance Unit.

The vision of the MLF is to have a fisheries sector that is sustainable, commercial and contributing to livelihood, employment, national income and food security. Promising steps have been made in recent years by the Zanzibari Government to strengthen the institutional framework for fisheries and marine conservation but it remains significantly under-capacitated.

Some other important institutions with a central role in the management and utilisation of marine and coastal resources include: (a) the Department of Urban and Rural Planning, (b) the Department of Tourism, (c) the Zanzibar Investment Promotion Authority, (d) the Zanzibar Maritime Authority, and (e) the Ministry of State for Regional Administration. Other organisations with important roles include parastatals such as the Zanzibar Ports Corporation, the Institute of Marine Science, private sectors and tour operators, community-based organisations and NGOs. The way in which these diverse groups currently coordinate or participate in fisheries management is on a somewhat ad hoc basis.

2.1.4 Tuna fishery management

The URT has recently adopted a Tuna Fishery Management Strategy (see section 2.2.1 below) providing for a specific institutional arrangement for the management of tuna stocks occurring within the waters under the sovereignty and jurisdiction of the URT. Management of these stocks is shared between mainland Tanzania, through the MLFD, Zanzibar, through the MLF, and the DSFA. The Strategy provides for the establishment of a National Steering Committee (NSC) for tuna fisheries management and a Tuna Fisheries Management Secretariat in the MLFD and in the MLF. The former will be a multisectoral committee comprised of representatives from all relevant ministries, representatives from other relevant public institutions involved in tuna fisheries management, relevant higher learning institutions, representatives from the private sector, representatives from fishing companies, representatives from the civil society, and development partners. The NSC will be chaired by the Permanent or Principal Secretary of the ministries responsible for fisheries of Zanzibar or mainland Tanzania as appropriate. The latter will coordinate the activities of all actors during the implementation of the Strategy. The DSFA will be mandated to regulate fishing in the EEZ while TAFIRI will organise and conduct fisheries research in the EEZ.

2.1.5 Fishery revenue from offshore fisheries

The revenue to the respective governments of mainland Tanzania and Zanzibar from 2005 to 2009 and to the DSFA from 2009 to 2013 for activities in the EEZ from offshore fisheries are provided in Table 2.1. Table 2.2 shows the relationship between the revenue gained by the DSFA and the operational costs of the DSFA, which indicates that in the fiscal year 2011/2012 the DSFA generated 110 % of the operational costs. However, it would be hoped that in the longer term the income from fishing authorisations would exceed more greatly the operational costs to provide a return to the government. The revenue generated from the fishing authorisations for the offshore fishery is divided three ways: 50 % is retained by the DSFA, 30 % is allocated to the government of mainland Tanzania and 20 % to the government of Zanzibar⁴⁶. While not established with certainty, it is assumed that the DSFA receives the remainder of its operational budget from the URT general budget⁴⁷.

Table 2.1: URT revenue generation to EEZ authority from offshore fisheries (EUR)

Fiscal year	Zanzibar	Mainland	DSFA ⁴⁸	Total
2005/2006	162 398	836 800		999 198
2006/2007	185 185	936 600		1 121 785
2007/2008	140 196	605 063		745 259
2008/2009	318 879	374 468		693 347
2009/2010	-	-	1 070 478	1 070 478
2010/2011	-	-	906 731	906 731
2011/2012	-	-	912 321	912 321
2012/2013 ⁴⁹	-	-	372 646	372 646
Total	806 658	2 752 931	3 262 176	6 821 765

Source: Word Bank, 2013

Table 2.2: revenue and operational costs for management of the URT EEZ (EUR)

Fiscal year	Own revenues generated	Operational costs	% of annual operational costs of DSFA covered by own revenues
2005/2006	999 198		
2006/2007	1 121 785		
2007/2008	745 259		
2008/2009	693 347		

⁴⁶ Director General DSFA, pers. comm., 24 September 2013.

⁴⁷ As of writing, this information has not yet been confirmed by the DSFA.

⁴⁸ DSFA started issuing fishing authorisations in February 2010.

⁴⁹ 2012/2013 covers the period 1 July 2012 to 31 January 2013.

Fiscal year	Own revenues generated	Operational costs	% of annual operational costs of DSFA covered by own revenues
2009/2010⁵⁰	1 070 478	1 266 833	85 %
2010/2011	906 731	854 827	106 %
2011/2012	912 321	831 954	110 %
2012/2013⁵¹	372 646	-	-
Total	6 821 765	2 953 614	

Source: Word Bank, 2013

2.2 National fisheries sector legislation, policy, and management

2.2.1 Strategic fisheries policy framework

Fisheries is among the economic sectors that have been identified in the National Strategy for Growth and Reduction of Poverty (NSGRP) (see section 2.2.2 below) of the URT to support economic growth and contribute to poverty reduction. The goal of the National Fisheries Sector Policy and Strategy Statement (1997) is the promotion, conservation, development and sustainable management of the fisheries resources for the benefit of present and future generations. There are eighteen objectives towards achieving this goal and these cover research, training, aquaculture, post-harvest development and, of particular interest to fisheries, the promotion and achievement of effective utilisation of the EEZ. At the time of writing a new policy framework is under development and this includes a draft National Fisheries Sector Policy (2010) and a Fisheries Sector Development Strategy (FSDS) which appears not to have been adopted (see Annex G).

The Tuna Fishery Management Strategy (TFMS) was developed with the support of WWF, which reported in October 2013 that the Strategy had recently been signed by the Minister of Livestock and Fisheries Development. This policy is the first policy document in the URT with significant implications for the management of fisheries resources in the URT EEZ. So far, fisheries policy instruments in the URT have primarily focused on inland fisheries and marine inshore fisheries. The aim is to improve the sustainable use and management of the tuna fishery and to address the goals set in the National Strategy for Growth and Reduction of Poverty (MKUKUTA and MKUZA). It is envisaged that implementation of this strategy will accelerate the growth and contribution of the fisheries industry by making more optimal use of available fisheries resources. The overarching goal of the TFMS is to achieve sustainable management and utilisation of tuna and other highly migratory resources to optimise the biological, environmental, social and economic benefits to the Tanzanian people.

The Strategy rests on 11 strategic goals, including to:

- (i) Sustainably utilise the fisheries resources by controlling harvesting within internationally and regionally recognised limits;
- (ii) Maintain sustainable fish stocks and ecosystems;
- (iii) Strengthen the government framework to harmonise and implement fisheries management policies and practices at national, regional and international levels;
- (iv) Improve fisheries products utilisation and their marketability;

⁵⁰ DSFA started issuing fishing authorisations in February 2010.

⁵¹ 2012/2013 covers the period 1 July 1 2012 to 31 January 2013; operational costs not yet available.

- (v) Strengthen research and development;
- (vi) Promote the employment of Tanzanians in professional, administrative, research and development positions in the tuna industry;
- (vii) Attain an optimum balance in relation to access and use of the tuna resource among all stakeholders; and
- (viii) Strengthen regional and international collaboration in the sustainable exploitation, management and conservation of resources in the EEZ.

There is no dedicated fisheries policy instrument in Zanzibar, as fisheries are dealt with as a sub-sector under the Agriculture Sector Policy. The latter recognises the importance of fisheries in the economy and highlights 13 key issues to be addressed, including fishing vessels, industrial fishing, conflict management, export of fisheries resources and storage facilities. Degradation of coastal and marine ecosystems and lack of a holistic approach in managing coastal zone areas to avoid user conflicts are identified as the most pressing issues. To tackle these issues, emphasis is put on the need to promote and facilitate co-management of coastal zone areas and artisanal fisheries to ensure sound management practices and increase compliance with existing laws and regulations. To improve fisheries governance, it is proposed to establish a Commission of Fisheries and a review of the fisheries legal framework (see section 2.2.3 below).

2.2.2 Fishery policy strengths and weaknesses

A strength of the fishery policy framework is that the fisheries sector is recognised among the priority sectors in the National Strategy for Growth and Reduction of Poverty (named MKUKUTA II). This recognition is of the role played by the fisheries sector in the national socio-economic development. However, the National Fisheries Sector Policy and Strategy Statement 1997 does not fully lay the foundation for achieving this social and economic growth. The 1997 policy is rather outdated and would benefit from a full update to be coherent with the international, regional and national frameworks and to fully embrace the changes in the sector that have occurred since the time of drafting. The new policy framework that was reported to be under development with support from the MACEMP project was not available for review.

The strength of the 1997 policy is that it is broad and has a vision that is inclusive, including the promotion of conservation and the development and sustainable management of the fisheries resources. It is noted that this is for the benefit of present and future generations. Policy statements, of which there are 18, are wide and rather traditionally divided into research, training, aquaculture, post-harvest development and effective utilisation of the EEZ to be promoted and achieved.

The policy statement regarding the EEZ (number 18) is as follows: ‘to strengthen regional and international collaboration in the sustainable exploitation, management and conservation of resources in shared water bodies and the EEZ’. It has three associated strategies that cover developing national capacity to exploit the EEZ by entering into joint ventures, improving surveillance against illegal fishing through cooperation with national and international institutions, and to actively participate in regional and international fora to enhance sustainable management of resources in the EEZ. Although this policy statement does not directly encourage promotion of access agreements for vessels from outside of URT to fish in the EEZ, it does not restrict this and it can be interpreted that they are fulfilling at least the second of the two strategies.

2.2.3 Fisheries legal framework

International commitments in fisheries matters

In respect to international commitments in fisheries matters the URT ratified the 1982 United Nations Convention on the Law of the Sea in 1985 and the 1993 Compliance Agreement to promote compliance on the high seas in 1999. However, it has not yet ratified the 1995 United Nations Fish Stocks Agreement (UNFSA, Straddling Fish Stocks and Highly Migratory Fish Stocks) despite being an active member of IOTC. The URT

ratified the Convention on Biological Diversity⁵² in 1996 and the Nairobi Convention in 1996 and the amended Convention in 2010⁵³.

In respect of the International Action Plans developed by FAO in the framework of the Code of Conduct for Responsible Fisheries, the following situation was reported to the IOTC in 2011 (IOTC, 2011) with respect to National Plans of Action (NPOAs):

- IUU fishing – URT has developed a draft NPOA for IUU fishing (see section 2.4);
- Sharks – Initial discussions for the NPOA have begun and Terms and Conditions drafted related to protected sharks contained within EEZ fishing authorisations;
- Seabirds – Initial discussions for the NPOA have begun and Terms and Conditions drafted related to seabird protection contained within EEZ fishing authorisations; and
- Marine turtles – Initial discussions for the NPOA have begun and Terms and Conditions drafted related to seabird protection contained within EEZ fishing authorisations.

Fisheries laws and regulations and related legislation

Since fisheries is not a Union matter, both mainland Tanzania and Zanzibar have enacted fisheries legislation to manage fisheries resources found in their respective inland, internal and coastal waters (up to the 12 nautical mile limit). Fisheries activities beyond the territorial waters up to the outer limits of the URT's EEZ are governed by the Deep Sea Fishing Authority Act, 1998 and the regulations made thereunder.

The Deep Sea Fishing Authority Act, 1998 as amended in 2007⁵⁴ and the regulations made thereunder are the main fisheries legal instruments governing fishing activities in the EEZ. The primary purpose of the Deep Sea Fishing Authority Act, 1998, was to ensure overall coherence in the management of fisheries resources in the URT's EEZ by creating a joint fisheries management mechanism with representatives from both mainland Tanzania and Zanzibar. While the intent of lawmakers was clearly to entrust the DSFA with exclusive responsibility over the management of fisheries resources in the URT's EEZ, the Act falls short of recognising the DSFA as the sole competent authority to regulate fishing activities therein. Considering the fact that fisheries is not viewed as a Union matter and that the Zanzibar Fisheries Act, 2010 confers authority to the Zanzibar competent authorities over fisheries throughout the 'Zanzibar EEZ', this may create difficulties in the management of fisheries resources in the URT's EEZ⁵⁵. In addition, it is noteworthy to mention that the Zanzibar Parliament has not endorsed the Deep Sea Fishing Act, 1998⁵⁶.

Amongst its functions (see section 2.1), the DSFA is responsible for negotiating and entering into 'any fishing or other contract, agreement or any kind of fishing cooperation with any government, international organization or other institution'⁵⁷. It can be inferred from this provision⁵⁸ that foreign fishing vessels can be authorised to access fisheries resources in the URT's EEZ through:

⁵² <http://www.cbd.int/doc/world/tz/tz-nr-04-en.pdf> [accessed on 12 October 2013].

⁵³ http://www.unep.org/NairobiConvention/The_Convention/Contracting_Parties/Tanzania.asp [accessed on 12 October 2013].

⁵⁴ It has been modified by the Deep Sea Fishing Authority (Amendment) Act, 2007.

⁵⁵ Note that under international law, Zanzibar has no right to claim an EEZ since it is not an independent State.

⁵⁶ The implications of this lack of endorsement by the Zanzibar Parliament are unclear. So far, it has not affected Zanzibar's participation in the operation of the DSFA. The Zanzibar Principal Secretary of the Ministry of Livestock and Fisheries attends the meetings of the DSFA's Executive Committee and the current DSFA Director General is from Zanzibar. It has been reported that the Zanzibar Parliament is awaiting the review of the Deep Sea Fishing Authority Fisheries Regulations, 2009 to examine both the Deep Sea Fishing Act, 1998 as amended and the revised regulations thereunder.

⁵⁷ See section 4 (3) (f) of the Deep Sea Fishing Authority Act, 1998.

⁵⁸ This interpretation is confirmed by practice.

- An agreement between the URT and the government of a third State;
- An agreement between the URT and an international organisation; this would include economic regional organisations such as the EU that have been given a mandate to negotiate fisheries agreement on behalf of their member States;
- An agreement between the URT and private entities such as vessels owners' associations (so-called private agreements); and
- Private fishing authorisations granted to fishing companies outside the framework of an agreement.

Once a fisheries agreement has been negotiated by the DSFA, it should be endorsed by the Cabinet and approved by the National Assembly following a three-step process: (i) the draft agreement is submitted to the Ministry responsible for fisheries, which prepares a Cabinet paper to outline the reasons for the conclusion of such an agreement; (ii) the Cabinet paper is sent to the Cabinet for review and approval; and (iii) the draft agreement is submitted to the National Assembly for deliberation and approval⁵⁹.

The Deep Sea Fishing Authority Act, 1998 empowers the Minister responsible for fisheries in the URT, after consultation with the Minister responsible for fisheries in Zanzibar, to make regulations to implement the provisions of the Act. Any breach of the Deep Sea Fishing Authority Act, 1998 or of the regulations made thereunder is punished harshly. Indeed, regardless of the nature of the offence, the minimum penalty is a fine of not less than TZS one billion (approximately EUR 500 000) or imprisonment for a term of not less than twenty years. In addition, the Court may order the forfeiture of the vessel, structure or equipment used for the commission of the offence. This penalty scheme, which provides only for a minimum threshold, is unnecessarily severe to the point where it might not be applicable except for serious violations such as fishing without a fishing authorisation⁶⁰. In addition, it is not compliant with article 73.3 of the 1982 Law of Sea Convention⁶¹.

The Deep Sea Fishing Authority Regulations, 2009, provide for:

- The authorisation of fishing vessels. Fishing in the URT's EEZ is subject to a fishing authorisation issued by the Director General of the DSFA after approval by the DSFA Executive Committee. Grounds for refusal to grant a fishing authorisation to the applicant include: (i) conviction of an offence involving fraud or dishonesty; and (ii) involvement of the vessel in respect of which an authorisation is applied for in IUU fishing in the URT or any other State. Fishing authorisations are issued for a period of one or three months or one year (12-month period). In practice, fishing authorisations for longliners are generally valid for three months and those for purse seiners for 12 months. Fishing authorisation fees are USD 9 000 (approximately EUR 7 000) for longliners (for three months) and USD 35 000 (approximately EUR 27 000) for purse seiners (for 12 months). In addition, a USD 30 (approximately EUR 23) administrative fee and a USD 2 000 (approximately EUR 1 500) fee are payable for processing the fishing authorisation application and for obtaining a local identification mark respectively;

⁵⁹ Note that Article 63 (3) (e) of the URT Constitution of 1977 provides that '[F]or the purposes of performing its functions, the National Assembly may: (e) deliberate upon and ratify all treaties and agreements to which the United Republic is a party and the provisions of which require ratification'.

⁶⁰ Note that the DSFA Regulations 2009 provide that fishing without a fishing authorisation is punishable by a fine of TZS five billion or to imprisonment for a term of twenty years or both, and the vessel and any equipment used in the commission of the offence may be forfeited.

⁶¹ Article 73.3 stipulates that 'Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in the absence of agreements to the contrary by States concerned, or any other form of corporal punishment'. Note that, in practice, many coastal States' fisheries laws provide for imprisonment.

- The pre-inspection of fishing vessels in a URT port. An inspection of the fishing vessel is required prior to the granting of a fishing authorisation either in Zanzibar or Dar es Salaam and once authorised while operating in the URT's EEZ in Dar es Salaam, Zanzibar, Mtwara or Tanga;
- The prohibition of discarding any bycatch at sea. Fishing vessels are required to keep the bycatch on board and to land it in a URT port to supply local markets;
- The carrying of vessel-tracking devices on board fishing vessels. Any person applying for a fishing authorisation is required to register an automatic communication locator (tracking device) with the DSFA⁶²;
- The reporting of entry into and exit from the URT's EEZ specifying the position of the vessel, the date and time and the quantities of catch on board by species;
- The keeping of a fishing logbook and a landing logbook;
- The transshipment of fisheries resources at designated ports and under the supervision of a fishery inspector. Transshipment at sea is prohibited. No shark fins can be transshipped unless they are attached to the carcass and no shark carcass can be transshipped without fins. Overseeing of transshipment of fisheries resources taken from the URT's EEZ may be conducted in a foreign port at the expense of the fishing authorisation holder;
- An observer programme. The DSFA Director General may appoint an observer on board any fishing vessel authorised to operate within the URT's EEZ. Currently, the DSFA has no observer programme in place. However, the Department of Fisheries in both mainland Tanzania and Zanzibar have trained observers. The DSFA will be able, through the two ministries, to contract these observers when a programme starts running⁶³; and
- The taking of at least three URT crew on board any vessel authorised to fish in the URT's EEZ.

Foreign-flagged fishing vessels operating in the URT's EEZ can land their catch in a port in the URT but have no obligation to do so. There is currently no specific measure regulating the deployment and use of FADs in association with purse seine fishing in the URT⁶⁴. Discussion on the current application of these regulations is given in section 4.

Other legislation of interest to the management of fisheries in the URT is summarised in the table below.

Table 2.3: other relevant laws and regulations

Law or regulation	Purpose
Fisheries Act, 2010 (Act No. 7 of 2010) (Zanzibar)	Provides for the management of fisheries resources in Zanzibar (establishment of the Fisheries Department, licensing, fisheries management plans, conservation measures, establishment of marine parks and sanctuaries, and enforcement). Interestingly, the geographical scope of the Act extends beyond the territorial waters of Zanzibar to the outer limit of the URT's EEZ ⁶⁵ . This is clearly conflicting with the spirit and provisions of the Deep Sea Fishing Authority Act, 1998.

⁶² Note that the Fisheries Monitoring Centre, hosted by the DSFA, has been equipped by CLS and thus uses the ARGOS system.

⁶³ See section 2.2.4 of the regional report.

⁶⁴ Note that IOTC resolution 13/08 of 2013 requires Contracting Parties and Cooperating Non-Contracting Parties to submit, to the Commission by the end of 2013, management plans for the use of FADs by their purse seine vessels and bait boats. While this resolution does not apply directly to the URT since it has currently no national purse seine vessels and bait boats involved in this type of fishing activity, it nonetheless emphasizes the need for the URT to address this issue in its regulations as purse seine vessels authorized to operate in its EEZ may fish with FADs.

⁶⁵ Reference to the EEZ of Zanzibar is made.

Law or regulation	Purpose
Fisheries Act, 2003 (Act No. 22 of 2003) and Regulations, 2003 ⁶⁶	Provides for the development and the sustainable use of fish stocks and aquatic resources found in the inland and territorial waters off the mainland coastline ⁶⁷ and establishes a central registry of fishing vessels. Fishing by foreign vessels in mainland Tanzania's territorial waters is prohibited except for purposes of scientific research or local food supply (in case of emergency). Any person engaging in fishing operations is required to have a fishing authorisation. Use of a foreign fishing vessel to fish in the territorial waters without a fishing authorisation is punishable by a fine of not less than USD 400 000 (approximately EUR 300 000) or imprisonment for a term of not less than five years.
The Fish (Quality Control and Standards) Regulations, 2000	Sets the standards for the quality of fish and fish products.
Marine Parks and Reserves Act, 1994	Provides for the proclamation of marine parks and reserves within the territorial waters or the EEZ.
Territorial Sea and Exclusive Economic Zone Act, 1989	Establishes a territorial sea and claims an EEZ. Exploration and exploitation of any resource in the EEZ is contingent upon an agreement with the Government of the URT.

Source: Consultants' compiled findings

2.2.4 Other relevant national policies and frameworks

The fisheries sector has links to various other sector policies and frameworks. Although these are not directly relevant to access to fishery resources, they will be of relevance to possible fishery sector support under a possible FPA. The most important of these are: the National Strategy for Growth and Reduction of Poverty; the National Adaptation Programme of Action (NAPA); the Compact for Supporting Agricultural the URT Comprehensive Africa Agriculture Development Programme (CAADP); the United Nations Development Assistance Plan; and the Tanzania National Trade Policy. Details about these policies are given in Annex H.

2.2.5 Recent developments in fisheries management

As noted above, the various government institutions are making progress in applying strengthened frameworks for fisheries management including most recently the National Tuna Fisheries Management Strategy (2013), and, although the MACEMP project has not achieved what was anticipated, it has assisted in developing the DSFA to a baseline level that can now be built on.

In the small-scale sector the main developments have been that the fishers have become better organised since 2008, with Beach Management Units (BMUs) introduced in every fishing community in order to organise them in fisheries resource management. This was also reported at the 30th session of the FAO Committee on Fisheries (COFI) when URT reported its use of community fisheries management for managing capture fisheries, marine protected areas, and rare species, and urged the FAO to support studies on fish and fisheries product trade in the international market (IISD, 2012).

Various guidelines have also been developed to facilitate the operationalisation of existing fisheries regulations in terms of guiding management, development and investments in the sector and industry. Existing guidelines include Mariculture Guidelines and Guidelines and Procedures for Development of Investments in Marine Parks, Reserves and Small islands. BMU Guidelines were also developed to safeguard the establishment of BMUs in all water bodies in order to involve fishing communities in the management of fish resources in their respective areas.

⁶⁶ There were some references found to a new regulation in 2009, but the consultants were unable to confirm this.

⁶⁷ There is no claim of jurisdiction over fisheries activities in the URT's EEZ.

2.3 Specific national marine protected area measures

The Marine Parks and Reserves Act No.19 of 1994 for mainland Tanzania allows for three types of marine protected area (MPA): marine parks, marine reserves and national parks containing marine habitat (Well et al., 2004), (see Annex I, Table A for list of MPAs in the URT and the general objectives of MPAs). Marine parks are relatively large multiple-use zoned areas, while marine reserves are smaller areas in which the extraction of any marine resource is prohibited (Julius, 2005). In recognition of the fact that the URT has some of the richest marine resources in the WIO, the government announced its intention to increase the percentage of MPAs by 10 % by 2012 and by a further 20 % by 2025. According to The United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC), the 2012 target was successfully achieved (Roccliffe, 2012). In respect of a possible FPA/Protocol, none of the MPAs reach into areas of potential interest for the EU fleet targeting the offshore large pelagic species.

2.4 Monitoring, control and surveillance

Cooperation to fight IUU fishing and compliance with Council Regulation (EC) No. 1005/2008 is considered by the EU as a pre-requisite for discussion with third countries on potential FPAs/Protocols. In this context, it should be noted that Article 38 (9) of this regulation [Action in respect of non-cooperating third countries] states that ‘the Commission shall not enter into negotiations to conclude a bilateral fisheries agreement or fisheries partnership agreements with such countries’.

2.4.1 URT ship registers

There are two ship registers in the URT – one in mainland Tanzania and one in Zanzibar. The ship register in Zanzibar is an ‘open register’⁶⁸ thus allowing all ships regardless of nationality to register in Zanzibar. This open register has been a liability for the URT due to a lenient flagging policy allowing IUU listed fishing vessels to register and obtain a URT flag. This practice has resulted in international criticism and pressure on the URT to reconsider its procedures. This is reflected in the recently updated EU list of vessels engaging in IUU fishing⁶⁹ and the report (U.S. Department of Commerce, 2013) submitted to the US congress every second year identifying countries that engage in IUU fishing (as flag States)⁷⁰. Both the Commission Implementing Regulation and the US report name the URT as a country hosting IUU fishing vessels and thus not complying with international obligations.

In response to this, the Zanzibar fishing vessel register has been relocated from the private company earlier carrying out this task (in Dubai) to the Zanzibar Maritime Authority’s own offices in Zanzibar. Procedures have been implemented where the DSFA is consulted and given an opportunity to perform a due diligence process before a fishing vessel is flagged. All foreign vessel owners and their agents were given three months’ written notice by the Zanzibar Maritime Authority to comply with registration requirements and respond in writing to the Authority. If this was not done, the owners were advised that their vessels would be removed from the Zanzibar register and lose the right to carry a URT flag. Since no vessel owner or agent responded within the three-month period, all foreign-owned fishing vessels, including the five vessels listed on the EU IUU vessels list, were deregistered from the Zanzibar ship register. As of October 2013 the Zanzibar fishing vessel register

⁶⁸ <http://www.tzirs.com/home> [accessed on 13 October 2013].

⁶⁹ See Commission Implementing Regulation (EU) No. 672/2013 of 15 July 2013 amending regulation (EU) No. 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:193:0006:0011:EN:PDF> [accessed on 13 October 2013]. The EU list comprises fishing vessels included in the IUU vessels list adopted by regional fisheries management organisations, including five URT flagged vessels listed by both Convention for the Conservation of Antarctic Marine Living Resources and South East Atlantic Fisheries Organisation.

⁷⁰ <http://www.nmfs.noaa.gov/ia/> [accessed on 13 October 2013].

only includes nine vessels owned by Tanzanian/Zanzibar citizens. Any fishing vessels not on this Register (Table 2.3) were reported by the Maritime Authority to not have the right to carry a URT flag⁷¹.

Table 2.4: fishing vessels flagged (registered) by Zanzibar Maritime Authority

Vessel name	Registered owner	Registered date	Callsign	Type of vessel
MARIO 3	Global Marine Services Ltd.	25 May 2011	5IM 454	Longline
MARIO 6	Global Marine Services Ltd.	25 May 2011	5IM 455	Longline
MARIO 7	Global Marine Services Ltd.	25 May 2011	5IM 456	Longline
MARIO 11	Global Marine Services Ltd.	25 May 2011	5IM 457	Longline
VENUS	Global Marine Services Ltd.	23 October 2011	5IM 282	Longline
IKAR	Global Marine Services Ltd.	17 August 2007	5IM 203	Longline
WEN WING	Global Marine Services Ltd.	7 February 2011	5IM 425	Longline
SANTOS102	Global Marine Services Ltd.	17 September 2012	5IM 808	Longline
TUNA BEST	Global Marine Services Ltd.	16 November 2011	5IM 473	Longline

Source: Zanzibar Maritime Authority

2.4.2 Division of competences in MCS operations

The MLFD in the URT⁷² carries out MCS operations through the Division of Fisheries Development MCS Section⁷³ for freshwater fisheries and marine artisanal and small-scale fisheries (within territorial waters). A similar authority (Ministry of Livestock and Fisheries) deals with marine small-scale and artisanal fisheries MCS within the waters under the jurisdiction of the islands of Zanzibar and Pemba (within 12 nm of the islands)⁷⁴. The DSFA⁷⁵ based in Zanzibar is responsible for the management of fisheries resources (including tuna) occurring within the URT EEZ and of all MCS activities therein. The Authority has a keen interest in developing a thriving but sustainable off-shore fishery in the Tanzanian EEZ.

2.4.3 MCS human capacity

Fisheries MCS is carried out by 119 people within the three management organisations mentioned above; 43 people are dedicated inspectors, 50 are enumerators employed for the inland and coastal fishery, and 26 people work in administration and support to the organisation⁷⁶. This human resource situation indicates that too few MCS officers are available when the magnitude and numbers of fishers, crafts and vessels involved in the different fisheries in the URT are taken into consideration. Fisheries inspectors are given a career path in accordance with the government scheme of services with promotion based upon a performance assessment as well as evaluation of education and experience. The DSFA in Zanzibar presently employs eight people with plans to increase this to 15 in 2014⁷⁷, but these are not all MCS dedicated staff.

⁷¹ Zanzibar Maritime Authority, pers. comm., 24 September 2013.

⁷² <http://www.mifugouvuvu.go.tz/> [accessed on 13 October 2013]

⁷³ <http://www.mifugouvuvu.go.tz/monitoring-control-and-surveillance/> [accessed on 13 October 2013]

⁷⁴ <http://mlfzanzibar.go.tz/index.php?mlf=research> [accessed on 13 October 2013]

⁷⁵ <http://www.dsfa.tz.org/> [accessed on 13 October 2013]

⁷⁶ Ministry of Livestock and Fisheries Development, URT.

⁷⁷ DSFA, pers. comm., 24 September 2013.

Table 2.5: MCS staff in mainland Tanzania, Zanzibar and DSFA 2012

Fishery	Number of inspector	Number of enumerators/ observers	Other MCS staff
Marine	6	0	0
Coastal	28	38	14
Inland	9	12	12

Source: Bergh P.E., 2012

2.4.4 MCS institutional capacity

Freshwater and near-coastal MCS has 26 patrol vessels available (12 metres length overall (LOA) with twin 300 horse power inboard motors, a capacity of 1 200 litres of fuel, berths for four personnel and a capacity to take 10 personnel on daily MCS patrols). The vessels were financed through the World Bank MACEMP but operations have been severely hampered by limited access to fuel⁷⁸. Cars and 4x4 vehicles are available but use is constrained by limited financial resources.

Mainland Tanzania

The Division of Fisheries Development MCS Section has very limited resources and infrastructure to carry out adequate MCS operations. Office space, computers and internet connection are adequate in Dar es Salaam, but limited in the districts. Transport and fuel are a major limiting factor for MCS operations and co-management is being used as a means for self-monitoring for compliance through BMUs.

Zanzibar

The Ministry has recently moved into new offices funded by the World Bank-supported MACEMP project and these are adequate and modern. However, the MCS activities are based on co-management approaches that are reported by local fishermen to be working adequately (see Annex J). The Ministry is reported to have a limited budget, and allocations to MCS activity are limited to those operating through the co-management mechanisms.

DSFA

The DSFA has recently moved into a new and modern building outside Stone Town in Zanzibar funded by the World Bank MACEMP project. Office space and electronic equipment appears to be more than adequate and up to date. There are very limited resources available to implement fisheries MCS operations and no patrol vessel capacity exists for monitoring the EEZ. However, the DSFA carries out regular maritime air patrols and the DSFA intends to carry out pre-fishing inspections for a percentage of foreign vessels seeking a fishing authorisation within the URT EEZ⁷⁹ in 2013/2014. There are currently few port inspections of foreign fishing vessels taking place in the URT as these vessels rarely call in a URT port.

2.4.5 Incidence of IUU fishing

IUU fishing is seen to be a significant problem in both URT's marine and inland fisheries although the problem is vaguely quantified due to limited capacity and resources to carry out monitoring. In the inland fisheries, the use of illegal gear and unlicensed border hopping represent perennial problems. On the marine side, dynamite fishing⁸⁰ and coral mining create problems in the small-scale fisheries, while documented incursions of non-

⁷⁸ Consultant's findings and interviews.

⁷⁹ DSFA, pers. comm., 24 September 2013.

⁸⁰ Artisanal fishermen at Dar es Salaam fishing harbour, pers. comm., 24 September 2013: up to 150 dynamite blasts observed in the Dar es Salaam wider area every day.

authorised tuna vessels into the EEZ have been reported in the past⁸¹. Estimating the extent of IUU fishing is a global challenge but some estimates gave some of the highest incidences of IUU fishing in the world as occurring in the Somalia, Kenya and URT region of the WIO for the period 1980-2003 (Sumaila et al., 2004). This was prior to the main incidences of piracy (see section 2.4.10) and it is likely that it has since reduced because of piracy. Losses to IUU fishing in the URT with respect to tuna were estimated at USD 19 million in 2005, highlighting that it was a major concern (MRAG, 2005). It was assumed in the same study that most of the illegal fishing activities were carried out by Asian long liners.

Specific IUU fishing cases of interest in recent years:

- In July 2004, 22 European fishing vessels were spotted operating within the Tanzanian 12 nautical mile zone, which is reserved for local fishing boats by EU surveillance planes. The information was passed to the national URT authorities for action⁸²;
- The Oman-flagged longliner *Tawariq 1* was arrested in 2009 for not having a fishing authorisation (three more fishing vessels were detected and seen fishing in the same area without an authorisation, but these vessels escaped arrest, they were *Tawariq 2*, *3* and *4*)⁸³. The arrest was conducted by officers on the South African fisheries patrol vessel *Sarah Bartman*, who conducted a regional patrol between South Africa, Mozambique, the URT and Kenya under the auspices of the SADC⁸⁴; and
- Seychelles-registered and Taiwanese-registered tuna longliners were detected fishing without a fishing authorisation within the URT EEZ in 2012⁸⁵. Both vessels were proposed by the URT to be included in the IOTC provisional IUU vessel list in 2013 (IOTC, 2012). The URT later requested to IOTC that the vessels remain on the provisional IUU vessel list pending conclusions of ongoing investigations. This was agreed upon by the IOTC⁸⁶ in September 2013.

2.4.6 International cooperation in fighting IUU fishing

The URT is actively engaging in combatting IUU fishing and cooperating to improve fisheries law enforcement in the region. Personnel from the DSFA are active within the New Partnership for Africa's Development (NEPAD) Stop Illegal Fishing FISH-i Africa project. The Director of Fisheries Development, Mr. Hosea Gonza Mbilinyi, was elected as Vice-Chair of the Compliance Committee of IOTC for the next biennium at the meeting held in Mauritius from 2-4 May 2013⁸⁷. The DSFA is cooperating with Interpol's Project Scale⁸⁸ on issues of fisheries crime.

Regarding the level of compliance by the URT with IOTC Resolutions, the Commission noted certain issues that required attention in the IOTC compliance report for Tanzania 2012 (IOTC, 2012). These included: non-compliance with the obligation to submit reports of implementation of IOTC resolutions; non-compliance with IOTC data reporting requirements for the coastal and longline fisheries; failure to translate requirements on marine turtles, seabirds and thresher sharks into domestic legislation; failure to report the list of designated ports related to port State measures; no implementation of required observer programme (see section 2.4.8) and sampling scheme; and failure to report the list of active vessels for 2011. The DSFA is reported to be

⁸¹ <http://news.bbc.co.uk/2/hi/africa/3529058.stm> [accessed on 14 October 2013].

⁸² <http://news.bbc.co.uk/2/hi/africa/3529058.stm> [accessed on 14 October 2013].

⁸³ http://www.stopillegalfishing.com/sifnews_article.php?ID=79 [accessed on 14 October 2013].

⁸⁴ http://www.stopillegalfishing.com/sifnews_article.php?ID=15 [accessed on 14 October 2013].

⁸⁵ [http://www.iotc.org/files/circulars/2013/21-13\[E+F\].pdf](http://www.iotc.org/files/circulars/2013/21-13[E+F].pdf) [accessed on 14 October 2013].

⁸⁶ [http://www.iotc.org/files/circulars/2013/89-13\[E+F\].pdf](http://www.iotc.org/files/circulars/2013/89-13[E+F].pdf) [accessed on 14 October 2013].

⁸⁷ [http://www.iotc.org/files/proceedings/2013/coc/IOTC-2013-CoC10-R\[E\].pdf](http://www.iotc.org/files/proceedings/2013/coc/IOTC-2013-CoC10-R[E].pdf) (p 14) [accessed on 14 October 2013].

⁸⁸ <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-Scale> [accessed on 14 October 2013].

working to overcome these shortfalls by, among other things, translating these requirements into domestic legislation.

In relation to combatting IUU fishing in the URT EEZ, the National Tuna Fisheries Management Strategy (2013) gives priority to the development of a regional approach, taking into account the highly mobile nature of IUU vessels, to reduce IUU fishing. Communication with the DSFA also indicated priorities of capacity building, inter-agency cooperation and establishment of naval patrol capacity for the EEZ.

The URT interacts with other countries on matters relating to MCS coordination and IUU fishing through the IOTC, the SWIOFC, the SADC, the IOC⁸⁹, the NEPAD and AU and with regional projects (for example World Bank MACEMP, Lake Tanganyika Integrated Regional Development Programme (LTA-PRODAP), African, Caribbean and Pacific (ACP) Fish II, SmartFish and WIOMSA). However, it appears that the internal coordination and cooperation between the Ministry in mainland Tanzania, the Ministry in Zanzibar and the DSFA is the area where challenges exist.

2.4.7 Vessel monitoring systems

The DSFA operates a fully operational vessel monitoring system (VMS) delivered by the French company Collecte Localisation Satellites (CLS) and has had very little 'down-time' in 2002 and 2013⁹⁰. It is a requirement for authorised vessels to have a VMS that is linked to this system⁹¹. The system commenced operations in February 2009 and was functioning in October 2013.

2.4.8 Observers

The DSFA is not operating an at-sea observer programme and consequently no data is being collected by observers from URT-flagged longliners. This is in violation of IOTC resolution 11/04 on a regional observer scheme⁹². Resolution 11/04 also requires coastal States to monitor artisanal landings. The URT does this through landing numerators (but has not reported the statistics to IOTC, which is the reason for their non-compliant status under this component, see section above). The URT is contributing to the IOTC regional observer programme for monitoring of transshipment at sea⁹³.

2.4.9 Key IUU fishing risks

The low level of resources allocated to implement MCS operations means that little deterrence is realised and this exposes the fisheries to IUU fishing. A relatively weak governance system with limited transparency⁹⁴ further increases this risk. A recent regional workshop on risk assessment in 2012 facilitated by the EU-funded SmartFish project indicated that these factors along with others such as no opportunity for monitoring landings, no observer presence and limited or incomplete reporting created a high to severe risk within the offshore large pelagic longline fishery for IUU fishing infractions⁹⁵. Similar conditions are valid for the tuna purse seine fishery although a higher degree of compliance is perceived due to better flag State controls by the flag States of the tuna vessels. The main IUU infractions predicted were fishing without an authorisation, fishing in closed areas and underreporting of catches⁹⁶.

⁸⁹ Fisheries inspectors from the DSFA are participating to the IOC Regional Action Plan for Control and Surveillance in the WIO with the support of the EU-funded SmartFish programme.

⁹⁰ DSFA, pers. comm., 24 September 2013.

⁹¹ Deep Sea Fishing Authority Regulations, 2009 Regulation 28.

⁹² <http://www.iotc.org/files/CMM/Resolution%2011-04.pdf> [accessed on 14 October 2013].

⁹³ [http://www.iotc.org/files/proceedings/2013/coc/IOTC-2013-CoC10-IR27\[E\].pdf](http://www.iotc.org/files/proceedings/2013/coc/IOTC-2013-CoC10-IR27[E].pdf) [accessed on 14 October 2013].

⁹⁴ Workshop report on Risk Management in Fisheries, Victoria, Seychelles, 5-7 December 2012.

⁹⁵ Workshop report on Risk Management in Fisheries, Victoria, Seychelles, 5-7 December 2012.

⁹⁶ DSFA, pers. comm., 24 September 2013.

2.4.10 Piracy

Pirate activities have been ongoing in the Indian Ocean for more than 30 years (see regional report section 4.9 for a full explanation of past and current activities) but in the last decade activities increased significantly due to an up scaling of activities by Somali pirates. This has had detrimental impacts on fishing activities in the WIO, including some incidences of fishing vessels being hijacked and ransoms being demanded, overall making operations more dangerous and more costly for operators. However, by late 2012 a considerable reduction in the number of attacks was evident due mainly to ground operations in the south of Somalia, successful at-sea operations (such as the EU Naval Force Operation Atalanta⁹⁷) and security personnel on board fishing vessels. This was confirmed in communications with the representative of the EU fishing industry. Improve security. Whether this trend will continue in the future is impossible to predict and one should not rule out the possible resurgence of piracy with the return of a greater number of fishing vessels to the region.

Recent information⁹⁸ suggests that the number of attacks is reducing with no vessels captured by the pirates in the region up to October 2013. The URT is currently pursuing a trial in the High Court in Dar es Salaam on piracy involving seven Somali nationals, charged with attacking an oil exploration vessel within Tanzania's waters in October 2011⁹⁹.

The URT reported that no longline vessels applied for licences in 2010-2012 with the reason noted as concerns over piracy thus reducing the possible income to the country. However, with decrease in piracy threat, these vessels have shown their interest in moving back into the region (see section 4.1 below). It is also relevant to note that prior to 2009, 18 French-flagged purse seine vessels operated in the Indian Ocean but that due to an increase in piracy, five vessels left the Indian Ocean to fish in the Atlantic Ocean. According to a representative of the vessel owners, these vessels have indicated their willingness to move back into the Indian Ocean if the level of piracy threat is reduced.

2.5 Catch certification

The implementation of the EU IUU CCS is laid down in Council Regulation (EC) No. 1005/2008 and subsequent legislation for third countries exporting marine fisheries products to the EU. The catch certificates must be validated by the flag State of the fishing vessel or fishing vessels that made the catches. The acceptance of catch certificates validated by a given flag State is subject to the condition that the European Commission has received a notification from the flag State concerned. With such a notification a flag State certifies that: a) it has in place national arrangements for the implementation, control and enforcement of laws, regulations and conservation and management measures that must be complied with by its fishing vessels; and b) its public authorities are empowered to attest the veracity of the information contained in catch certificates and to carry out verifications of such certificates on request from the Member States¹⁰⁰. The European Union has published the flag State notification of the URT. The Director of the Fisheries Development Division in the MLFD, which is a mainland institution, is responsible for all aspects relating to the implementation of the CCS, and has been notified as such to the European Commission¹⁰¹.

Currently, all fisheries products exported to the EU are sourced from artisanal fisheries since there is no landing and processing of fish from industrial fishing vessels. The traceability system in place for artisanal fisheries landings was found as being 'very good' by an independent evaluation funded by the EU (Hosch, 2011).

⁹⁷ <http://www.mschoa.org/on-shore/about-us/eu-operation-atalanta> [Accessed 9 October 2013].

⁹⁸ <http://www.icc-ccs.org/piracy-reporting-centre/live-piracy-report> [Accessed 9 October 2013].

⁹⁹ <http://allafrica.com/stories/201309170198.html> [Accessed 9 October 2013].

¹⁰⁰ See Article 20 of Council Regulation (EC) No. 1005/2008.

¹⁰¹ In accordance with Article 22 of Council Regulation (EC) No. 1005/2008.

3 The domestic marine fishing sector in the URT

The URT's domestic fisheries sector is at the time of writing entirely artisanal and is by far the most important sector for lake-side and marine coastal communities, providing an important source of income, food and employment opportunities, directly and indirectly¹⁰². Overall, for both marine and inland fisheries, it employs more than 177 500 full-time fishers and over four million people are engaged in fisheries-related activities (IIFET, 2012). The total inland and marine capture production for the period 2007-2011 averaged 355 421 tonnes (t)¹⁰³, mostly from inland water bodies. The fleet is composed of different types of artisanal fishing boats ranging from dugout canoes of three metres to motorised boats of 11 metres.

3.1 Domestic tuna catching sector

Overall, in the marine subsector 14 197 vessels were observed during the Joint Marine Fisheries Frame Survey done in 2007 and published in 2008¹⁰⁴. Of these, 78 % were dugout canoes or outrigger canoes, 9 % were dhows, about 5 % were mashua (small multi-purpose boat under sail) and the remaining 8 % were other types of small fishing vessel. Some 1 487 of the artisanal fleet were powered by outboard motors and 105 were powered by inboard motors¹⁰⁵.

Some of the powered vessels are involved in the tuna fisheries as part of their multi-species fisheries strategy. A relatively small quantity of tuna and tuna-like species is caught by these artisanal boats, which mostly operate within 6 nm of the coast (see Annex K for a full list of tuna and tuna-like species found in the URT). The majority of the catch is taken by Zanzibar-based vessels. The average catch of tuna from 2006 to 2012 has been steadily increasing from approximately 1 500 t per year to 2 500 t per year (see Table 3.1 for URT catches from 2007 to 2010 – note: for 2011 and 2012, only figures for Zanzibar-based vessels are available at 1 800 t (2011) and 2 423 t (2012)). It is reported that yellow fin tuna and bill fish are targeted using manually deployed longlines and drift gill nets (El Kharousy, 2011). The catch data is collected in terms of weight by family and a breakdown by species is not available. The effort deployed is not categorised either by gear used or by number of vessels, as the same vessels are also involved in other fisheries using a mix of gears.

Table 3.1: catches of tuna and tuna-like species by URT-flagged vessels in URT's waters (tonnes)

Fish group	2007	2008	2009	2010
Tuna	1 481	1 623	1 637	1 644
Billfish	1 041	1 295	1 326	1 334
Sharks/rays	1 338	1 395	1 400	1 418

Source: IOTC, 2011

¹⁰² As noted in Table 2.3 there are nine longline vessels flagged to URT. However, these vessels are not reported to be catching within URT waters or landing any catch in the URT.

¹⁰³ FAO Statistical Service. <ftp://ftp.fao.org/FI/STAT/summary/a2.pdf> [accessed on 7 October 2013].

¹⁰⁴ MLFD, 2008. Joint Marine Fisheries Frame Survey, 2008. Ministry of Livestock and Fisheries Development (Tanzania) and Ministry of Agriculture, Livestock and Environment (Zanzibar).

¹⁰⁵ Ibid.

3.2 Domestic non-tuna marine catching sector

Consideration of non-tuna species in the URT is relevant in the context of this report given the potential for a possible future FPA/Protocol to be either a 'tuna agreement' or a 'mixed agreement', which could include fishing possibilities for species other than tuna and tuna-like species.

Prawns are an important component of the multi-species fishery along parts of the mainland Tanzanian coast, in some communities accounting for the main or sole source of cash income (Macfadyen, 2012). Landings are concentrated in the Rufiji, Mkuranga, Ilala and Bagamoyo districts. The target species are the Indian banana prawn (59 % of catch by weight), speckled shrimp (24 % of catch by weight), brown tiger prawn (12 % of catch by weight) and black tiger prawn (5 % of catch by weight). Although a variety of gears are used in the multi-species fishery, gill nets and traps are mainly used to catch prawns (Macfadyen, 2012).

The inshore prawn fishery was once a primary part of the non-tuna marine catching sector. Four prawn species are assessed as target species based on the sum of quantities recorded by trawl surveys undertaken in February and June 2011. The Prawn Fishery Management Plan of April 2012 is intended to cover the five years from 2012 to 2016 and it is reported to represent a reasonable starting point for management of the prawn fishery. Industrial vessels have been banned from this fishery since 2007 and under the existing fisheries legal framework for mainland Tanzania, foreign fishing vessels are not allowed to fish within the territorial waters (except for scientific research or food-supply purposes). There are no plans to reopen the fishery to industrial vessels until at least 2014, and any lifting of the moratorium will be dependent on an improvement in future stock status. Landings of prawns by the artisanal sector were estimated to be 1 405 t in 2011 and recent survey work in 2011 shows that that stock has not significantly recovered over the last 4-5 years even in the absence of industrial fishing activity. Of particular concern is that there are no clear harvest control rules in place, and no quantifiable specification of reference or trigger points that would then invoke specific management measures. It is therefore unlikely that in the near future this fishery will have surplus stocks and become of interest to the EU fleet.

In general for non-tuna fisheries and according to the 2007 Frame Survey, the marine artisanal fleet operates from 398 landing sites (166 in Zanzibar and 232 on the mainland Tanzanian coast) and there were a total of 70 515 fishermen, including 15 839 who fished without the use of a boat (MLFD, 2008).

The total marine catch landed in the URT in 2011 was 49 737 (see Table 3.2), excluding catches of foreign-flagged vessels as they do not land in the URT. Apart from the tuna and tuna-like species, a wide variety of other marine fish are harvested, including crustaceans (prawns and lobsters), cephalopods (squids and octopus), bony fishes (flat fishes, snappers, groupers, small and medium pelagic fish), rays and sharks (MLFD, 2008). The small and medium pelagic species include sardines, anchovy, small tuna and horse mackerels and account for approximately one-third of the total catch. Sardine and mackerels are harvested all along the coast using light-attracting methods with purse seines and, to a lesser extent, scoop nets (MLFD, 2008).

Table 3.2: FAO estimate of marine capture production (tonnes) (2009 to 2011)

	2009	2010	2011
Marine fishes	44 665	49 798	47 856
Crustaceans	1 016	1 958	1 881
Total marine areas	45 681	51 756	49 737

Source: FAO, Fisheries and Aquaculture Information and Statistics Service

3.3 Inland fisheries sector

The URT, situated as it is in the great lakes region of Africa, has abundant inland water resources estimated at 54 337 km² (IIFET, 2012). The three largest lakes are Lake Victoria, shared with Uganda and Kenya; Lake Tanganyika, shared with Burundi, DRC and Zambia; and Lake Nyasa, shared with Malawi and Mozambique.

There are also a number of smaller lakes (Lakes Rukwa, Manyara and Eyasi) and reservoirs (Lakes Natron, Mtera and Nyumba ya Mungu) and a river system that are of significance for fisheries (IIFET, 2012).

Results from a National Fisheries Frame Survey (2006) indicated that there were 39 881 fishing vessels in the URT's freshwater sub-sector (FAO, 2007) and an estimated 106 985 fishers¹⁰⁶. No figures were given for the total number of landing sites or boats for the inland fisheries. However, the Lake Victoria Regional Frame Survey in 2012 recorded the presence of 101 250 fishers on the URT's portion of the Lake alone (MFLD, 2008), which suggests that the overall figure for the number of fishers engaged in inland fishing must be much higher than that given above. On the URT's portion of the Lake, 215 landing sites were identified and 28 490 fishing craft recorded. These are mostly simple wooden planked boats, 61 % of which were the Sesse type pointed at both ends and a further 32 % were Sesse type flat at one end (see Annex L).

The inland sub-sector, which was estimated to have produced some 290 963 t of fish in 2011¹⁰⁷ and includes the Nile perch (*Lates niloticus*) fishery on Lake Victoria, is the most important fishery in terms of volume, landed value, export revenue and government tax revenues (Wilson, 2004).

3.4 Upstream supply sector (supplying tuna and non-tuna sector)

The Joint Marine Fisheries Frame Survey, found that, of the 398 landing sites counted, 208 of them had boat-building and repair facilities and 232 landing sites had gear manufacture and repair facilities (MFLD, 2008). These provide entirely for the small-scale fisheries. A more detailed study of the Bagamoyo District, 65 km north of Dar es Salaam, notes that all 12 landing sites along Bagamoyo District's 100 km coastline had boat and gear repair facilities¹⁰⁸. Comprehensive information for the inland fisheries is not available, but the 2012 Regional Frame Survey of Lake Victoria reported that, of the 215 landing sites counted on the URT's portion of the Lake, 165 had boat-repair facilities¹⁰⁹, 128 had net-repair facilities, 191 had shops selling fishing gear and 90 offered engine repair. Facilities suitable for regular servicing of tuna purse seiners do not at present exist in the URT, although the port in Dar es Salaam can deal with emergency repairs.

Of the marine landing sites, only three had cold rooms and a further 75 had freezers (MFLD, 2008). No mention is made of the provision of ice. Post-harvest losses are said to be high due to lack of preserving facilities. Half the landing sites have no fresh water supply and electricity supply (MFLD, 2008). Comprehensive data on freezing facilities and provision of ice for the inland sub-sector are not available. However, the Regional Frame Survey for Lake Victoria reported that there were two working cold-rooms on the URT's portion of the Lake and another two that were not in operation¹¹⁰. The availability of freezers and provision of ice are not mentioned in the report.

Other upstream supply businesses include East West Shipping Services in Dar es Salaam and Zanzibar Ship Survey and Consultancy Ltd in Zanzibar.

3.5 Downstream processing and marketing sector (supplying tuna and non-tuna sector)

The small and medium pelagic species are in great demand domestically for direct human consumption as they are relatively cheap to purchase compared to other species. Buyers, typically women, purchase the fish at landing sites, bargaining informally to establish the price. Some are cooked or dried and sold at the roadside; some are sold in neighbouring villages or larger towns. Methods of preservation include sun-drying, salting, smoking and use of ice (MFLD, 2008).

¹⁰⁶ Estimated total number of fishermen minus those engaged in the marine sub-sector.

¹⁰⁷ FAO, Fisheries and Aquaculture Information and Statistics Service <http://www.fao.org/fishery/statistics/en> [17 September 2013].

¹⁰⁸ Pwani Project, 2011. Fisheries Value Chain Assessment, Bagamoyo District. USAid.

¹⁰⁹ No mention is made of boat building, but presumably, as on the coast, most of those offering boat repair would have boat-building facilities.

¹¹⁰ Regional Frame Survey Report, 2012

In the inland sub-sector most landing sites are visited by processing factory agents who buy the Nile perch from the fishers for processing and export, mainly to the EU market.

Numerous fish traders buy prawns from artisanal fishermen along the coast. They then either sell directly to hotels and restaurants or to processing and export companies (for example, Tanpesca Ltd and Alphakrust Ltd) (Macfadyen, 2012). The traders may also purchase freezer space in medium-sized freezing/cold-store companies before exporting the product, mainly to Kenya. It is estimated that around three-quarters of the prawn production is sold on the local market and the rest is exported (Macfadyen, 2012). Poor financing facilities mean that fishers are often compelled to sell their catch to traders who have supplied them with gear and do so at a price about 20 % below the market price¹¹¹.

Although there are no tuna-processing facilities in URT, the reopening of a processing plant in Mombasa, Kenya might be of interest for the EU fleet fishing in URT's waters due to the close proximity of Mombasa to the URT's EEZ. Wananchi Marine Products, one of four processing plants to have closed in Mombasa, reopened recently. It has the capacity to produce 110 tonnes of tuna per day (loins brined in glass jars). The factory also has its own storage facilities and a jetty that can offload two tuna purse seiners at the same time. The wharf is capable of accommodating vessels up to 130 metres in length and with a draft of up to 12 metres. They presently receive tuna via a reefer service/cargo service going between Seychelles and Kenya¹¹².

Table 3.3: URT downstream seafood sector

Name of business	Service	Products	Markets
EdMar Logistics Company Ltd	Buying agents and exporters	Fresh chilled freshwater and seawater fish, frozen mackerel, frozen sardines	
Kagera Fish Co Ltd	Processing of Nile perch	Fresh chilled and frozen Nile perch fillets	EU, Far East and Middle East
Kasanda Enterprises Limited	Exporting	Live lobster and live crab	
Mwana Traders LTD Company	Buying agents and exporters	Chilled and frozen seafood	
Natural Food Ltd	Exporter	Frozen octopus, squid, oysters, live and frozen lobster and crabs	
Tanperch Ltd	Processors and exporters	Fresh and frozen Nile perch	EU, Australasia, Middle East and USA
Tanzania Fisheries Development Co Ltd	Processors	Nile perch	

Source: Consultant's compilation based on stakeholder consultations

An audit was carried out in the URT by EU's Directorate General for Health and Consumer Affairs (DG SANCO) from 15-24 June 2011 to evaluate the control systems in place governing the production of fishery products intended for export to the European Union (European Commission, 2011). The overall conclusions of the audit were:

- *Based on the findings of the audit, the current system of official controls and of export certification implemented by the Tanzanian competent authority has improved since the previous FVO inspection visit in 2006 and is satisfactory in many aspects.*
- *However, the FVO team has noted some shortcomings (effectiveness of some official controls on vessels and establishments, follow-up of Rapid Alert System for Food and Feed notifications,*

¹¹¹ Pwani Project, 2011. Fisheries Value Chain Assessment, Bagamoyo District. USAid

¹¹² <http://www.21food.com/showroom/63354/aboutus/RUBECO-INTERNATIONAL-LTD%28Nautilus%29.html> [accessed on 12 October 2013].

requirements for health certificates) which could undermine confidence in the system and in the competent authority.

- *In order to get fully assured that exported fishery products consistently meet all EU requirements applicable to third countries exporting fishery products to the EU, a number of actions needed to be implemented to correct the shortcomings identified (European Commission, 2011).*

The Fisheries Development Division, headquartered in Dar es Salaam, is the Competent Authority in the URT for the official control of fishery products to be exported to the EU. The Competent Authority is divided into four zones: Dar es Salaam, Lake Victoria, Kigoma and Tanga. As of 18 October 2011, the country is amongst the non-EU (Third Country Establishments) permitted to export fishery products to the EU. The latest list published in October 2011 shows 15 processing plants for fishery products (one of them being aquaculture) approved by the competent authorities for export (see Annex M)¹¹³.

¹¹³ https://webgate.ec.europa.eu/sanco/traces/output/TZ/FFP_TZ_en.pdf [accessed on 12 October 2013].

4 Distant water fishing activity in the URT's EEZ

4.1 Access to the URT's EEZ

Regimes of access to the URT's EEZ by foreign fishing vessels are described in section 2.2.3. There is currently no active fisheries agreement between the URT and any other government. There have been discussions in the past between the EU and the URT to enter into a fisheries access agreement. In 1990, an agreement was negotiated but never signed because of internal disputes in the URT between the government of mainland Tanzania and the autonomous region of Zanzibar, and the parties could not agree on a joint licensing and management approach. In 2004 the EU made another attempt to negotiate a fisheries agreement with the URT. Following an exploratory mission and three rounds of negotiations an agreement was initialled by both parties, but was not approved by the URT government amid concerns about the level of the proposed financial compensation and disagreements on the modalities of distribution of benefits derived from the agreement between mainland Tanzania and Zanzibar.

Two Memoranda of Understanding (MoUs) have been signed by the government of the URT (represented by the DSFA) and Spanish vessels owners' organisations, Asociación Nacional de Armadores de Buques Atuneros Congeladores (ANABAC) and Organización de Productores Asociados de Grandes Atuneros Congeladores (OPAGAC), based on the 2009 DSFA Regulations. These MoUs are valid for a period of one year renewable by mutual agreement of the two parties. They include derogations (see below) that were authorised by the two Ministers responsible for fisheries from mainland Tanzania and Zanzibar. In addition, a MoU is currently being negotiated between the URT and the Organisation de Producteurs de Thon Congelé (ORTHONGEL), representing the interests of French tuna purse seiners¹¹⁴.

These MoUs are similar and provide for:

- Fishing authorisations for purse seine vessels under the management of ANABAC and OPAGAC respectively. The number of vessels to be authorised is not specified in the MoU and depends on the number of fishing authorisations applied for by ANABAC and OPAGAC through a written request to the DSFA at least one month prior to the expiry date of the MoU (which coincides with the duration of authorisations);
- Fishing authorisations issued for a maximum of one year;
- the conditions of access by supply vessels (authorisation, no fishing gear on board, notification of entry into and exit from URT EEZ;
- target species (restricted to tuna and tuna-like species);
- daily catch report – to be kept on a Catch Report Form annexed to the MoU;
- entry into and exit from URT EEZ – to be reported (indicating position of the vessel, species on board and quantities by species); and
- VMS – all vessels to be equipped with a vessel tracking device to be activated while vessels are within the URT EEZ.

Considering the impracticality of applying certain fisheries regulations to tuna purse seiners, three derogations have been granted to the ANABAC and OPAGAC vessels through the MoU:

- No pre-inspection before issuing fishing authorisations and no in-port inspection as the purse seiners do not come to port in URT. However, it was agreed that one vessel under ANABAC's management and one vessel under OPAGAC's management would call into Dar es Salaam port to undergo

¹¹⁴ This MoU would allow access to the URT's EEZ to 13 purse seiners flying the French flag. However, of these 13 vessels, eight are part of the EU fleet and five are not part of that fleet as they are based in Mayotte. Pursuant to Mayotte's change of status, effective as of 1 January 2014, these five vessels will be part of the EU fleet.

inspection and take an observer on board. In addition, ANABAC and OPAGAC agreed to pay for the inspection in Seychelles of at least five vessels each by URT inspectors;

- No requirement to employ three URT nationals as crew members as the vessels employ three ACP crew members in compliance with EU guidelines; and
- No requirement to collect and transport bycatch to a port in the URT for local market (does not make business sense considering the fact that European purse seiners do not come to port in URT).

There is no built-in mechanism to monitor implementation of the MoUs. The DSFA indicated that negotiations of MoUs with private companies are not seen as a normal way of doing business and thus should not be regarded as the start of a common practice¹¹⁵.

Anticipating a possible fisheries agreement between the EU and URT, the MoUs provide that vessels flying the Spanish flag would automatically be transferred under this agreement and specify that this would not affect the continuation of the MoUs for Seychelles-flagged vessels and other vessels flagged outside the EU.

A fisheries agreement was signed with the Japan Tuna Cooperative Association but was never put into operation, reportedly because of the piracy threat. The agreement is dormant and could therefore be reactivated should piracy activities continue to decline.

In 2011 and 2012 no foreign-flagged longliners applied for an authorisation to fish in the URT EEZ¹¹⁶ (see Table 4.1). Asian longliners left the area in 2009-10 due to increasing threat from piracy (see section 2.4.10 and the regional report). However with the decrease in piracy threat, longliners are starting to come back to the region as the DFSA has issued 13 licenses for 2014 and received another 30 applications for fishing authorisations for longliners¹¹⁷. In general, authorisations for longliners are issued for a three-month period.

Up to now, the DFSA has issued 25 authorisations for purse seiners in 2013. Authorisations for purse seiners are issued for a period of 12 months¹¹⁸. Purse seine authorisations have been dominated by Spain (14), France (2) and Seychelles (7)¹¹⁹. All these vessels except for the two French-flagged vessels have been granted an authorisation under a private agreement (see above). These two vessels will be incorporated in the private agreement with ORTHONGEL once it has been signed. Of interest is that all Seychelles-flagged vessels are controlled by Spanish interests and represented by ANABAC (4) and OPAGAC (3). The fees paid by vessels for these authorisations are set out in the Second Schedule of the Deep Sea Fishing Authority Regulations, 2009 and this amounted to a total USD 851 000 (approximately EUR 655 000) to date in 2013.

¹¹⁵ In this regard, note that extension beyond the expiry date or termination of a MoU requires mutual agreement of the two parties.

¹¹⁶ Note that during this period there have been reports of foreign-flagged longliners fishing illegally in the URT EEZ.

¹¹⁷ DSFA, pers. comm., 12 December 2013.

¹¹⁸ Except for tow authorisations issued for a period of three months, all other authorisations for purse seine vessels were issued for a 12-month period.

¹¹⁹ The other two authorisations were granted for a period of three months to South Korean-flagged vessels.

Table 4.1: number of foreign tuna vessels authorised to fish in the URT EEZ, 2013

Year	Purse seine	Longline	Total
2010	34	14	48
2011	38	0	38
2012	36	0	36
2013	25	0	25

Source: DSFA

4.2 Vessel catches and numbers

Table 4.2 provides the tuna catch (yellow fin, skipjack and big eye) in the URT EEZ for the years 2010 to 2012¹²⁰.

Table 4.2: catches of tuna, by fleet, gear and year in the URT EEZ (tonnes)

Fleet/country	2010	2011	2012
Purse seine			
Spain	2 260	269	3 887
France	0	202	7
Seychelles	236	80	2 667
Total purse seine	2 496	551	6 561
Total longline	0	0	0
Total all	2 496	551	6 561

Source: DSFA

Some observations can be made in relation to the figures in Table 4.2:

- As indicated above, longliners left the area to avoid piracy. As a result, no authorisations were issued to foreign-flagged longliners from 2010 to 2012 and therefore no catch from longliners was recorded during that period. With the decrease of piracy activities, it is likely that longliners will return to the region in 2014, as recent applications for longline vessels to the DSFA demonstrate.
- Interest in purse seining in the URT EEZ is strongly related to the migration pattern of tuna stocks and thus time spent fishing in the URT EEZ may vary greatly from one year to the next, which may explain the marked fluctuations in catch from 2010 to 2012.

4.3 EU vessel operations in Tanzania *vis-à-vis* their regional strategy

The purse seine fishery in the WIO is dominated by the EU fleet, which accounts for 66 % of total purse seine catches. The EU fleet operating in the WIO consists of 14 Spanish-flagged purse seine vessels and eight French-flagged purse seine vessels (as of 1 January 2014 this will increase to 13 with the integration of Mayotte-based purse seiners in the EU fleet) as well as 20 Spanish-flagged longliners, 28 French-flagged longliners based in Réunion Island, 3 Portuguese-flagged longliners and 3 UK-flagged longliners (see regional report sections 4.2 and 4.3). Currently, 23 EU purse seine vessels are authorised to fish in the URT EEZ through private access agreements. Historically, the maximum number of EU vessels fishing

¹²⁰ The figures in Table 4.2 were provided by the DSFA based solely on the catch reports submitted to the DSFA by the masters of the licensed purse seine vessels. There is at the moment no mechanism in place to cross-check the accuracy of these figures.

in any one year in the URT EEZ occurred in 2004, when 36 EU purse seiners were authorised to fish. Catch data for purse seine and longline vessels (see Table 4.2) show that EU purse seine vessels made catches in the URT EEZ in 2010 to 2012. With the approval of two private access agreements (Spanish-flagged vessels) and the negotiation of a third one (French-flagged vessels), EU purse seine vessels have shown a clear interest in continuing to operate in the URT EEZ.

The purse seine fleet operates all year round in the WIO and given the existence of four FPA/Protocols with Mozambique, Madagascar, Comoros and Seychelles and private access agreements with Mauritius¹²¹, the URT and Kenya, the EU purse seine fleet can follow tuna fish stocks unhindered throughout their migration range. While tuna catches by the EU purse seine fleet primarily depend on the high seas and Seychelles fishing zones (50-55 % and 30-35 % respectively), access to the URT EEZ is nonetheless important as it allows continuous chasing of the tuna stocks when they north towards the Somalia and the Seychelles EEZ. Dependency on the URT EEZ is estimated to be around 1 % to 2 % as part of the yearly catch by EU vessels in the WIO (see regional report section 6.1). Securing access rights to the URT EET is thus important in terms of fishing strategy¹²².

The contribution of the EU longline fleet to total longline catches in the WIO (around 10 % over 2007-2011) is much lower than the contribution of the EU purse seine fleet to total purse seines catches in the region. The total number of EU longline vessels operating in the WIO decreased in 2009, with piracy being the main cause of the decline. The French longline fleet, made up of small vessels averaging between 16 and 22 metres in length, is based in Réunion Island and fish mostly in the waters of neighbouring countries (for example, Madagascar). By contrast, the Spanish and Portuguese longline vessels operate throughout the WIO.

Catch data from the EU longline vessels show two different approaches and two target species by fleet, with Spanish and Portuguese fleets targeting sharks and swordfish and the French/Réunion fleet targeting tuna and swordfish. Given the small size of the French/Réunion longline fleet, it is unlikely that there will be any interest in fishing in the URT EEZ as it is outside its range of operation. If piracy activities continue to decline and shark fishing is authorised in the URT EEZ, some Spanish longline vessels may show interest in fishing in the URT EEZ¹²³.

¹²¹ A new agreement and protocol with Mauritius have been negotiated and initialled and are awaiting completion of internal approval process by the EU to enter into force.

¹²² It should however be noted that the fishing authorisation costs are high compared to the average authorisation fees and non-reimbursable advance payments due by the EU fleet under the FPAs.

¹²³ Confederación Española de Pesca (CEPESCA), pers. comm., 8 October 2013.

5 Ex ante evaluation

This section of the report provides an ex ante evaluation of a possible FPA/Protocol between the EU and the URT. Throughout this evaluation, the specific evaluation questions posed in the terms of reference for this specific contract are highlighted in bold/italic in order to demonstrate where evaluation questions have been addressed in the text¹²⁴.

5.1 Needs to be met in the short or long term

This section of the evaluation addresses a number of questions, namely:

- ***Is access to the various EEZs of the region of strategic interest in the CFP context?*** (this question is addressed primarily in section 5.1.3, but the reader is also referred to section 4.3 above, and to section 6 of the regional report);
- ***What are the availability and state of the stocks (notably, stocks that could be included in future protocols)?*** (this question is also addressed in more detail in section 4.7 of the regional report);
- ***Is there an interest in having a regional network?*** (this question is also addressed in section 4.3, but more fully in section 6 of regional report);
- ***What are the challenges facing the fishery sector in the region?*** (this questions is also addressed in section 6 of regional report);
- ***What are the needs of the EU/EU shipowners/coastal States?*** (this question is addressed principally in the text below, with text on the URT's needs following from earlier text in this report in sections 1 to 4); and
- ***What is the level of activity and estimated outtake of other fleets in the EEZs/region, bearing in mind the need to consider surplus stocks under the External Dimension of the CFP?*** (this question is also addressed in section 3.1 and section 4 of this report, and in section 4 of the regional report).

5.1.1 Needs shared by both the EU and URT

The primary shared need of the EU and the URT in the context of a possible FPA/Protocol is one of sustainable exploitation of marine resources.

For the URT the need for sustainability is required to provide:

- Economic benefits that will result from sustainable exploitation of marine resources, in terms of value-added made by the domestic catching sector (see section 3.1), and by upstream (see section 3.4) and downstream activities (see section 3.5) supplying the domestic catching sector. Currently, there is very little economic benefit to be derived from foreign vessels for businesses involved in upstream and downstream activities as these vessels do not come to port in the URT. Sustainable exploitation is also necessary to ensure that foreign vessels continue to be willing to make payments for access to fish in URT waters, thereby generating revenue for the government. All of these types of potential

¹²⁴ It should be noted that some text in this section is deliberately similar to text in the Kenya ex ante evaluation report due to: i) the need for both reports to comply with the EU requirements for ex ante evaluations meaning that the structure and approach to the evaluations must be the same; ii) the need for consistency in the two reporting outputs given many underlying similarities in the context e.g. in the objectives of possible FPAs/Protocols, in that neither country currently has an FPA/Protocol with the EU, in that the two countries are adjacent and the same EU vessels operate in both countries, etc.. Nevertheless, the two evaluation reports are specific to the evaluations completed, and present important differences in terms of the two possible FPAs/Protocols.

economic benefits are important given the low level of development in the URT as highlighted earlier in this report (see section 1.3);

- Social benefits, in terms of the employment related to the economic activities of the upstream, catching and downstream sectors; and
- Food security, as the URT has a large population (47 million people), is a low-income food-deficit country and has a population that relies heavily on fish for animal protein (21 % of the total animal protein consumed, see section 1.3), sustainable resource exploitation is essential to underpin food security. This can be either directly through ensuring sustainable landings of fish in the URT for consumption in the country, or indirectly by generating revenues and foreign exchange that can be used to pay for imports of cheap fish/protein sources or other food items.

For the EU, sustainability is needed to comply with, and support, the objective of the reformed CFP (which includes an objective of ensuring that 'negative impacts of fishing on the marine ecosystems are minimised' (Article 2.3 of the Basic Regulation on the CFP – Final Compromise Text). The compromise text of the Basic Regulation highlights that FPAs 'should ensure that Union fishing activities in third country waters are based on the best available scientific advice and relevant information exchange, ensuring a sustainable exploitation of the marine biological resources, transparency as regards the determination of the surplus and, consequently, a management of the resources that is consistent with the objectives of the Common Fisheries Policy' (Article 39 of introductory text). Additional information highlighting the EU's need for FPAs to contribute to and ensure sustainability is provided in Annex I of the regional report, which provides relevant extracts of the Basic Regulation's compromise text.

The EU fleet currently active in the WIO accounts for a very significant part (around 66 %) of the overall purse seine catches in the region, and an important part (around 7 %) of the longline catches (see regional report), wishes to continue operations in the region in the future and needs long-term sustainable stocks in order to do so¹²⁵. As clearly highlighted in the regional report and in section 4.3 of this report, there is an interest amongst EU vessels in fishing in URT waters as part of a regional fishing strategy. Ensuring sustainable stocks in the region, and in the URT, is therefore critical.

The EU and the URT, as members of the IOTC, also have a need/obligation to work to ensure improved sustainability of capture fisheries in the WIO, given that the objective of the IOTC is 'to promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks'¹²⁶. Annex I of the regional report, which presents selected Articles from the Basic Regulation on the CFP – Compromise Text for Regulation of the European Parliament and of the Council on the Common Fisheries Policy, also highlights the need for the EU to contribute towards strengthening of regional fisheries management organisations (RFMOs).

Ensuring sustainability of marine resources requires that any future FPA/Protocol is directed at 'surplus resources', a condition that would be likely to be fulfilled given the comments made in the regional report (see section 4) about the generally favourable status of stocks. While the regional report notes that there is concern about overfishing and the state of stocks for some species caught in the region, notably albacore and some bycatch species in longline fisheries, the key target stocks of the EU fleet of yellowfin tuna, bigeye tuna and skipjack tuna (by purse seine fleets), and of swordfish (by longline fleets), are not reported as being overfished or subject to overfishing. It is also noted that although the URT has nine URT-flagged industrial longliners, they do not fish in the URT EEZ and therefore the EU tuna vessels would not be competing for catches with any industrial tuna fleet of the URT (see section 2.4.2 and section 3 of this report), again suggesting that any EU

¹²⁵ Spanish, French, UK and Portuguese fleet representation and Member State administrations, pers. comms, during October 2013.

¹²⁶ <http://www.iotc.org>

catches in URT waters would be surplus resources. However, one should not rule out that these vessels may change their strategy in the future and opt to operate in the URT EEZ.

Ensuring sustainability requires that all relevant parties (i.e., the EU, regional organisations, and the fisheries administrations in the URT [including the DSFA, and the administrations from mainland Tanzania and Zanzibar]) work together in partnership to enhance capacities both within the URT and at the regional level, to help to foster improved governance, continued developments in science, implementation of fisheries policy, continued developments in MCS, and reductions in IUU fishing.

Shared needs of both the EU and the URT, as highlighted in Annex I of the regional report, also include the need for a possible FPA/Protocol to be concluded in the spirit of fair, transparent and equitable cooperation and respect for human rights and democratic principles, and to aim at sharing benefits fairly between the two parties. Indeed, the content of a possible FPA/Protocol should also include text serving to safeguard human rights in line with international agreements on human rights. An additional shared need is for safeguarding working conditions on board fishing vessels in line with international standards reflected in International Labour Organisation (ILO) Conventions i.e. Declaration on Fundamental Principles and Rights at Work.

5.1.2 URT needs

The URT's potential needs from a possible FPA/Protocol with the EU can be inferred from current policy, legislative and strategy documents for the country, and the consultation undertaken as part of this evaluation (September 2013).

The URT wishes to continue granting access to foreign fishing fleets within its EEZ insofar as fisheries resources are available and these fleets do not compete directly with local artisanal (and potentially industrial) fleets in the catching of target species. The URT fishing fleet is mostly artisanal and operates close to shore within the territorial waters. Of the nine longliners registered and flagged in the URT, none is currently authorised to fish in the URT EEZ but this may change in the future as some of these vessels operated in the URT EEZ in the past. Information collected during the evaluation and derived from discussion with the URT's authorities indicate that the URT may contemplate providing fishing opportunities for tuna only. Exploitation of any other commercial species by EU vessels is not currently an option. The prawn fishery, which was exploited industrially in the past, is recovering slowly (see section 3.2) and the URT's authorities have no plans to reopen this fishery to industrial fishing. There is currently no limitation on the number of authorisations to be allocated to foreign fishing vessels and no indication that any limit might be sought by the URT. While authorisation fees have not increased since 2009, this might change as a result of the adoption of the Deep Sea Fishing Authority Regulations, 2009 and the programmed review of these regulations planned for 2014 with the support of the SmartFish project. Moreover, one may not rule out the possibility of additional access costs for the management of fisheries stocks in the URT EEZ when the review is made, for example a contribution to support greater MCS efforts.

A review of the Deep Sea Fishing Authority Regulations, 2009 will provide the URT with the opportunity to overhaul its conservation and management measures and adjust requirements to be applied to the tuna fishing vessels operating in its EEZ. This will avoid the need to grant derogations through private agreements (see section 4.1 above). It will also allow the URT to ensure that it complies with its international obligations, in particular with the IOTC resolutions.

With respect to sectoral support funding, the Tanzania Tuna Fisheries Management Strategy (TFMS) highlights some areas where the URT may need or seek support. Based on the information contained in this document, and on the concerns expressed by the stakeholders met during the evaluation, it would seem that the most pressing issues to be addressed in term of fisheries management in the EEZ are threefold: (i) improve research and scientific knowledge of fish stocks and catch data; (ii) support DSFA's position and improve its capacity; and (iii) reinforce MCS of fishing activities to significantly reduce incidences of IUU fishing.

Regarding improving research and scientific knowledge, Strategic Goal 6 of the TFMS is to strengthen research and development. The operation objectives to reach that goal are:

- Design and implement research on tuna stocks and fisheries development;
- Provide scientific support for management initiatives, including fishing arrangements;
- Produce national tuna fishery status reports; and
- Strengthen research institutions to undertake fisheries research.

This will help better integrate scientific advice in decision-making to maintain sustainable fish stocks and ecosystems (Strategic Goal 2 of the TFMS).

With the recent establishment of the DSFA, the URT's government has signalled its willingness to improve the management of fisheries in the URT EEZ. While the role and mandate of this new institution are clearly defined in the Deep Sea Fisheries Authority Act of 1998 as amended in 2007, the DSFA still requires strengthening to assert its authority over fisheries management in the URT EEZ. This may include capacity-building of DSFA personnel in all areas falling within the remit of the Authority (see section 2).

With regard to MCS, it is clear that the URT has limited knowledge of fishing activities taking place within its EEZ (see section 2.4). Indications that longliners are starting to return to the region due to a drop in piracy incidences stress the need for increased MCS capacity as many longliners have been reported as fishing illegally in the URT EEZ in the past. The support required may include assistance in the development or implementation of MCS strategic documents, support to naval surveillance operations to ensure maritime patrolling of the URT EEZ and training of fisheries inspectors.

The negotiation process for an FPA/Protocol, should a negotiation mandate be provided, could be expected to result in further and more detailed discussions between the EU and the URT about how sectoral support funding could best support the URT's needs in these, and potentially other, areas. Any sectoral support funding would need to be carefully aligned with any other regional initiatives (as outlined in the regional report) to ensure coherence and avoid duplication of funding.

5.1.3 EU needs

In addition to the shared needs of long-term sustainable exploitation of resources and respect for human rights discussed above, the EU has other specific needs that would be met by an FPA/Protocol with the URT. Needs in the text below are discussed separately for the purse seine fleet, the longline fleet, and for EU processors and consumers.

5.1.3.1 *EU purse seine fleet needs*

The EU purse seine fleet has been operational in the WIO for many years, with a strong reliance on catches in both the high seas and in EEZs in the region, but particularly in the EEZ of Seychelles. As the text in section 4.3 highlights, and as more broadly discussed in the regional report, which describes tuna stock movements within the WIO, continued access to the URT's EEZ (but under an FPA/Protocol rather than private access agreements) would serve to support a network of regional fishing opportunities, thereby enabling the fleet to match fishing strategy with available catches in the region. The ability to catch tuna in the URT's waters could also become increasingly important in future years, when the piracy situation is brought under control (which indications suggest is already in-hand see section 2.4.10), and if/when more formal fishing opportunities are provided to fish in Somali waters (see section 3 of the regional report for more discussion on access to Somali waters).

The existence of an FPA/Protocol would also address a critical need by the EU fleet for improved security of access. Indeed, the industry cites this lack of security as a key problem facing vessels. The current arrangements, whereby vessel authorisations are negotiated annually, results in considerable uncertainties for the fleet about future access, as well as the considerable administrative burden of yearly negotiations¹²⁷.

¹²⁷ OPAGAC/ANABAC/ORTHONGEL, pers. comms, 7-9 October 2013. Note: the DSFA indicated that it was not keen to continue signing private access agreements with vessel owners' associations and that it did so only on the associations' insistence.

The possible FPA/Protocol with the URT might need to include fishing opportunities for at least the existing 22 purse seine vessels and potentially more, given that of the six vessels currently being built, two are expected to represent additional capacity, with four replacing existing vessels (see regional report section 4.2). In addition, with improvements in the piracy situation, and perhaps also due to current stock status, it has been suggested that five French purse seine vessels that have been fishing in the Atlantic Ocean for the last few years may return to fish in the WIO¹²⁸. And, as noted in the regional report (see section 4.2), one vessel currently flagged in France may be flagged in Italy in the future. Furthermore, five vessels currently flagged in Mayotte, which will become part of the EU in 1 January 2014, would need to be included in any possible future FPA/Protocol, as these vessels will then become part of the EU fleet. It can therefore be envisaged that fishing opportunities could be required for anywhere between 22 and perhaps as many as 34 vessels. In addition to catching vessels, the EU fleet would also need its supply vessels to be included in the FPA/Protocol to ensure security of access (but without any expectation that the EU would make financial contributions for access, as such contributions would be made by vessel owners¹²⁹).

With respect to the needs of purse seine vessels in terms of species to be included in any FPA/Protocol, the need is for a possible FPA/Protocol to provide access to skipjack, yellowfin, bigeye and albacore tuna resources. The stocks to be included in any future FPA/Protocol would thus need to include highly migratory species, i.e. tuna and tuna-like species. As discussed in the regional report, all four species are found in the URT's EEZ. The three main target species of skipjack, yellowfin and bigeye tuna are not overfished or subject to overfishing, and while albacore is assessed as being subject to overfishing, the quantities caught by the EU fleet are very small (typically, less than 0.5 % of total purse seine catches).

Currently, there is no requirement for foreign fishing vessels to land part of their catches made in the URT's EEZ in a Tanzanian or Zanzibar port. Considering the fact that there are no tuna-processing facilities in the URT, it is highly unlikely that the URT will demand the landing of any portion of the catch in the URT. It is noteworthy that no landing requirement was included in the MoUs signed with the Spanish vessel owners' associations (see section 4.1). However, the conclusion of a FPA/protocol with the EU may lead the existing fish-processing industry in the URT to consider the possibility of developing tuna-processing facilities in the future.

Concerning employment, the EU fleet does not see a need to have any URT crew on board vessels, and indeed considers this impractical given that vessels do not land fish in the URT. It would not be a requirement matching the characteristics of tuna fisheries, as recognised by the DSFA through the granting of a derogation in the MoUs signed with the Spanish vessel owners' associations. However the fleet would have no objection to an FPA/Protocol specifying an agreed percentage of nationals from ACP countries¹³⁰, or a corresponding payment if such nationals could not be taken to work on board due to them not meeting minimum agreed requirements (for example, competence and security)¹³¹.

In relation to bycatch, the URT fisheries legislation prohibits the discarding of any bycatch at sea and thus requires that all bycatch are kept on board vessels and landed in a Tanzanian or Zanzibar port to supply local markets. It was agreed by the DSFA that it would be difficult for the EU vessels to comply with this requirement given that these vessels do not land fish in the URT. As a result, EU vessels have been exempted from the obligation of landing the bycatch in a URT port under the MoUs signed between the URT and the Spanish vessel owners' associations. However, they are expected to land the bycatch in a port of the region, as this derogation does not allow them to discard the bycatch caught in the URT EEZ at sea.

¹²⁸ ORTHONGEL, pers. comm, 9 October 2013.

¹²⁹ OPAGAC/ANABAC/ORTHONGEL pers. comms, 7-9 October 2013.

¹³⁰ This was the arrangement agreed to by the DSFA and ANABAC and OPAGAC under the MoUs.

¹³¹ OPAGAC/ANABAC/ORTHONGEL, pers. comms, 7-9 October 2013.

5.1.3.2 *EU longline fleet needs*

As discussed in the regional report (section 6), the EU longline fleet in the WIO is made up of 20 Spanish, three Portuguese and three UK longliners, and 28 vessels based in Réunion. The needs of the EU fleet for fishing opportunities under a future FPA/Protocol is far less clear than it is for the purse seine fleet. Currently, there are no private access arrangements for EU vessels to fish in the URT even though such arrangements are possible and Asian longline vessels are reported to be showing interest in fishing in URT waters again after a few years of absence.

The Spanish, Portuguese and UK vessels typically catch a very high percentage of their total catch (> 75-80 %) in high seas areas much to the south of the URT (see section 6.1.2 of regional report). However, a continuing improvement in the piracy situation (as reported in section 2.4.10 and section 4.10 of the regional report) could encourage some vessels to move to the north, especially if any local depletion of swordfish stocks were to occur in current fishing grounds. There may therefore be a need/argument for a small number of longline fishing opportunities for these vessels to be provided on a trial basis, with a clear provision to remove them after an agreed period if they are not used. Such a provision has been supported by Spain, the Member State with the largest longline fleet¹³².

The Réunion vessels are smaller, and spend much more of their time fishing in and close to Réunion. It is felt mostly likely that these vessels would have no interest in an FPA/Protocol, and any local depletion of swordfish stocks would cause them to switch to catching more tuna rather than to seek fishing grounds further afield.

The Spanish, Portuguese and UK vessels target swordfish and shark, with small catches of tuna (see section 6.1.2 of regional report). Thus any fishing opportunities provided for them would need to be provided for swordfish, shark and tuna, i.e. highly migratory species. The regional report suggests that tuna catches would be likely to represent less than 10 % of the total volume of catches (see section 4.3 of regional report), and it is not expected, based on consultations completed during this evaluation, that any of the Spanish, Portuguese or UK vessels would change their fishing strategy to one that targets tuna. Stock status for target swordfish, shark and tuna species does not indicate that stocks are either overfished or subject to overfishing (see section 4.7 of regional report).

The regional report suggests that the main constraints and problems currently facing the EU longline fleet is one of declining profitability due to downward pressure on sales prices, and increasing costs in part due to the impacts of the amended EU shark regulation. While an FPA/Protocol would not directly address any of these issues, it would serve to ensure that the fleet has the ability to adapt the location of its fishing to maximise revenues.

5.1.3.3 *EU processing needs*

EU processors have needs in terms of raw material products, which would be partially met by the inclusion of purse seine fishing opportunities in a future FPA/Protocol with the URT because product caught in URT waters could be sold to EU processors either in whole frozen or loined form. The flow of catch (as described in section 5 of the regional report) from vessels to processors, and then to end markets, demonstrates that there are small levels of processing in the EU (Spain and Italy) of tuna purse seine catches in the WIO. This processing of fish from the WIO takes the form of canning of frozen whole product or of loined tuna, and results in economic (value-added) and social (employment) benefits in the EU. While product from the WIO represents only a small proportion of the total raw material input to EU canneries, it is nevertheless product that is needed/useful for EU processors.

¹³² SG Acuerdos y Organizaciones Regionales de Pesca, Organizacion Palangreros Guardeses (OPRAGU), and Asociacion Armadores Buques De Pesca De Marin, pers. comms, 7-9 October 2013.

5.1.3.4 EU consumer needs

As section 5 of the regional report highlights, fish caught by the EU fleet in the WIO provides very significant volumes of tuna catches to the EU market (around 173 000 t of tuna, and around 4 000 t of swordfish per year). Given rising populations in the EU as a whole, and expected continuing demand in the EU for tuna and swordfish products, the key need for EU consumers is the continued flow of tuna and swordfish products to the EU market.

5.2 Lessons learned from the past

This section of the evaluation provides a number of important lessons learned from the past to answer questions relating to:

- ***The conclusions of previous evaluations of FPAs in the region and the impact of these FPAs on the region*** (this is also addressed in section 6.2 of the regional report);
- ***Insight from past and current experience in the region*** (the regional report in its entirety provides background information to answer this question, with key lessons learnt provided in section 6.2);
- ***What can be learnt from the previous efforts to negotiate FPAs/Protocols with the URT?*** (addressed principally below); and
- ***What level of fishing is being undertaken by the EU fleet in the URT's EEZ under private licensing agreements, and what species are concerned?*** (this is also addressed in section 6 of the regional report and section 4 of this report).

Section 6.2 of the regional report provides a number of key findings about previous EU activities in the WIO, about FPAs in the region and about possible future FPAs/Protocols in the context of the reform of the CFP. The findings in the regional report also answer questions that are directly relevant to this ex ante evaluation, and are therefore provided below but modified/added to where necessary, based on the content of this report, to ensure relevance to the possible FPA/Protocol between the EU and the URT and to answer the questions above.

1. Attempts in the 1990s and mid-2000s by the EU and the URT to conclude an FPA were not successful. The reasons for these failures are not entirely clear from the consultations completed as part of this assignment, but are primarily related to internal political problems within the URT between mainland Tanzania and Zanzibar. With the establishment of the DSFA as the sole entity responsible for fisheries management in the URT's EEZ and entrusted with a clear mandate to negotiate fisheries access agreements, one may think that the risk of internal infighting has been considerably reduced and is less likely to have an impact on the conclusion of a FPA/Protocol. The ongoing reforms with the devising of a new Constitution and the introduction of an additional level of government may affect the make-up of the DSFA. Such a change, however, is unlikely to have an effect on the DSFA's capacity to negotiate fisheries access agreements. These experiences suggest that successful conclusion of FPAs/Protocols is not assured even if a mandate is given for negotiation. However, other FPAs/Protocols in the region have been successfully concluded. The lesson to be learnt is that special efforts should be made by both parties to ensure that their respective positions are clearly understood through fair and transparent negotiations (as required by the Basic Regulation on the CFP – Compromise Text) so that compromise and common ground can be found;
2. The EU purse seine fleet's focus of activities in the WIO, and the movement of tuna stocks in the WIO, means that fishing opportunities in the northern waters of Mozambique all the way up to the horn of Africa (and including the waters of the URT) are all of potential interest, however the Seychelles EEZ is by far the most important individual EEZ for the fleet¹³³;

¹³³ Regional report, and Spanish, French, UK and Portuguese fleet representation and Member State administrations, pers. comm., October 2013.

3. Private access arrangements by EU vessels with the URT indicate likely demand by the EU purse seine fleet for an FPA/Protocol. EU catches in the URT are sporadic and changeable, with catches made in some years being non-existent or small, while in other years larger volumes may be caught depending on the migration of the tuna. There are currently no private agreements with EU longline vessels to fish in URT waters;
4. Private access arrangements by EU vessels with the URT have shown that a number of requirements provided under the existing fisheries regulations are not adapted to the specificities of tuna fisheries and were recognised as such by the DSFA through the granting of derogations. There may be an opportunity to address these inconsistencies through the recently established legislation and governance structure for tuna fisheries management;
5. 'Grey areas' resulting from maritime boundary disputes can create confusion for both EU vessels and the third country administrations. In the case of the URT, this is not an issue as there is no dispute over the delimitation of any maritime boundary;
6. Piracy in the WIO has had a significant impact on both purse seine and longline fleet activity, but the situation seems to be improving¹³⁴; it has yet to be seen whether this trend will be sustained;
7. Utilisation of longline fishing opportunities provided for in a number of the FPAs has been low in recent years, most notably due to the impacts of piracy¹³⁵;
8. EU purse seine and longline activity in the fishing zones of countries in the WIO region result in considerable direct economic and employment benefits in the catching sector, upstream supply sector, and downstream landings and processing sector. While the benefits created by the longline fleet are not well documented, the economic and social benefits generated by the activities of the purse seine fleet alone in 2012 is estimated to be 420+ jobs and EUR 140 million+ of value-added in the EU, and 4 000+ jobs and EUR 22 – 40 million of value-added in the WIO. The high level of processing of catch within the region, and the resulting economic and social benefits, are of special note. The URT has so far not been in a position to benefit from this economic opportunity, as currently it has no tuna processing facilities. However, it has extended experience in the processing and exporting of fish and fish products to the EU market, in particular Nile perch from Lake Victoria (see sections 3.3 and 3.5). The conclusion of an FPA/Protocol with the EU may create an incentive for the processing industry in the URT to explore the possibility of moving into the processing of tuna. In addition, one objective of the Tuna Fishery Management Strategy (Strategic Goal 4) is to improve fisheries products utilisation and their marketability through, notably, the promotion of exportation of value-added tuna and tuna-like products;
9. Catches made in the WIO by EU purse seine and longline vessels contribute significantly to the EU market (see section 5 of regional report, which suggests product flows to the EU from the WIO of around 99 000 t of canned tuna, 18 000 t of loined tuna, 11 000 t of frozen tuna for processing, and 7 200 t of frozen tuna for direct consumption per year);
10. FPAs/Protocols provide for financial contributions to be made by the EU to third countries, and include significant funds to support the implementation of fisheries policy and sustainable fisheries. The earmarking of funds for such purposes is one of the principal benefits of FPAs/Protocols, and the added value of an EU framework for access, rather than leaving EU Member States to negotiate private agreements (see section 6.2 of regional report). The URT has a clear and considerable need for sectoral support funding; and
11. Based on the length of recently signed Protocols in the WIO, negotiations may well result in a Protocol period of three years, although such a short period is not a policy objective of the EU¹³⁶. Private sector

¹³⁴ See section 4.10 of regional report.

¹³⁵ See section 6.2 of regional report.

¹³⁶ http://ec.europa.eu/fisheries/cfp/international/agreements/index_en.htm [accessed on 12 October 2013].

requirements for a better business environment advocate for 5 or 6-year Protocols to allow for a mid-term perspective.

In considering ***how these lessons can be applied to improve any future EU intervention in the form of an FPA/Protocol between the EU and the URT***, the lessons are documented in this evaluation specifically to provide relevant information to those involved with the negotiation process, should a mandate be provided. It is therefore expected/desired that the lessons will be reviewed by those involved, and kept in mind to inform the negotiations and the detailed preparation of the content and text contained within any future FPA/Protocol.

5.3 Objective setting

The objective setting, as outlined below, addresses the question ***what are the expected effects of the EU intervention for the EU, for the URT, and for a contribution to reducing IUU fishing and supporting environmental objectives?***

The general and specific objectives of having an FPA/Protocol between the EU and the URT as set out below stem from those specified in the terms of reference for this evaluation, the needs assessment (see section 5.1), the lessons learnt (see section 5.2), and the reform of the CFP (see European Parliament 2012, European Parliament 2013, Council of the European Union 2012, and the Basic Regulation on the CFP – Final Compromise Text [important sections to FPAs are provided in Annex I of the regional report]). Given the text in the Basic Regulation, future FPAs/Protocols will need to:

- Serve to support the EU's role in strengthening RFMOs, particularly in regard to transparency in mechanisms for the allocation of fishing opportunities, and ensuring that recommendations are based on scientific advice;
- Include robust provisions for respect for the principle of restricting access to resources that are scientifically demonstrated to be surplus for the coastal State in line with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS);
- Ensure similar obligations as to EU vessels operating in EU waters, *inter alia*, a progressive landing obligation, while providing for a level playing field for the EU fleet vis-à-vis other fleets;
- Include robust provisions for safeguarding human rights in line with international agreements on human rights, and ensuring in all cases the strictest respect for democratic principles;
- Ensure that the part of access paid for by vessel owners is proportionate with the benefits, which may imply an increasing share of the cost of access; and
- Ensure that sectoral support is coherent with development and programmes in the third country, and that financial assistance for sectoral support is closely monitored to assess the results of the assistance provided.

General objectives

1. Resource conservation and environmental sustainability ensured through rational and sustainable exploitation of the URT's living marine resources.
2. Protection provided for the financial viability of the EU purse seine fleet operating in the WIO, and for the employment linked to fleet activities both in the EU and in the URT.
3. A sustainable fisheries sector developed in the URT, and the URT integrated into the global economy.
4. Respect for human rights, democratic and market economy principles promoted.

Specific objectives

In support of general objective 1

1. The performance of the IOTC strengthened to better enable it to conserve and manage marine living resources under its purview.
2. Scientific knowledge of the fisheries resources improved through cooperation between the EU and the URT.

3. Coherence and compliance with the conservation and management measures of the IOTC, and IUU fishing combatted.
4. Access facilitated for the EU fishing fleet to the URT's waters to exploit 'surplus' stocks, as identified in a clear and transparent manner on the basis of the best available scientific advice and relevant information, and taking into account scientific assessments conducted at the regional level as well as conservation and management measures adopted by the IOTC.
5. The same principles and standards for fisheries management promoted in the URT as applied in EU waters, when endorsed at the IOTC level for a non-discriminatory application amongst all fleets.

In support of general objective 2

6. The level of fees payable by EU vessel owners for their fishing activities is fair, non-discriminatory and commensurate to the benefits provided through the access conditions, there is no discriminatory treatment towards EU vessels, and a level playing field promoted among the different fleets operating in the URT.
7. Security of access provided for EU vessels to fish in URT waters.
8. The interests of the EU's outermost regions are taken into account.
9. A continued supply of fish is ensured for the EU, for the URT and for other markets.

In support of general objective 3

10. Capacity is built in the URT for sustainable resource conservation.
11. The employment of seamen, landings and the fish-processing industry in the URT, or more generally in ACP countries, is promoted where possible and suitable.
12. EU fishing vessels are not operating in URT waters once the FPA/Protocol is in force unless they are in possession of a fishing authorisation issued in accordance with a procedure agreed in the Agreement.

In support of general objective 4

13. The Universal Declaration of Human Rights and other relevant international human rights instruments, and the principle of the rule of law, constitute an essential element of the FPA/Protocol.
14. A human rights clause in the FPA/Protocol is to be fully consistent with the overall EU development policy objectives.

5.4 The policy options available

5.4.1 Introduction

This ex ante evaluation considers two possible 'policy' or 'intervention' options. The first is the base case scenario, i.e. 'no FPA/Protocol between the EU and the URT'. The second is 'an FPA/Protocol between the EU and the URT'. These two policy options are the ones specified as being required in the terms of reference for this study. The terms of reference also require *consideration* of a 'mixed agreement' not limited to highly migratory species, i.e. evaluation of a policy option is not necessarily *required* by the terms of reference.

Annex J of the regional report provides information about the status of prawn/shrimp and demersal stocks in the URT and the domestic artisanal fleets targeting these species (also seen in section 3.2), and complies with the requirement to consider whether a mixed agreement could be possible. The annex concludes that poor stock status and domestic competition for these species mean that there are no 'surplus resources' that could be exploited by the EU fleet, and that there is therefore no possibility to have a 'mixed agreement' with the URT. Furthermore, stakeholder consultations in the EU revealed no demand for a mixed agreement with the

URT¹³⁷. It is for these reasons that, while a mixed agreement has been considered during this assignment in accordance with the terms of reference, an option of a mixed agreement is not evaluated in this report.

In addition, while not specifically referred to or required in the terms of reference for this evaluation, it is observed that the regional report discusses the potential for a regional FPA and concludes that such a regional approach is not yet a realistic option. It is for that reason that the text below does not consider a regional option as an additional option to be evaluated as part of this ex ante evaluation.

The text below therefore lays out what would be involved with each of the two options evaluated ('no FPA/Protocol', and 'an FPA/Protocol between the EU and the URT'), so that subsequent text can evaluate the two options with a clear idea in mind of the situation represented by each option. It should be noted that it is not appropriate for this ex ante evaluation to specify or propose precise detail that might be the subject of negotiation between the two parties¹³⁸, and the description of the two options below is therefore intended only to provide enough detail/specification to enable the evaluation of their respective results/impacts (see section 5.5).

5.4.2 Option 1: no FPA/Protocol between the EU and the URT

This option represents the status quo and the alternative instrument to having an FPA/Protocol, i.e. no FPA/Protocol, with EU vessel owners or their representative organisations free to negotiate private access agreements to fish in URT waters. The option assumes that they would do so given that vessels are already paying for access, and that:

- Between 22 and 40¹³⁹ purse seine vessels would annually negotiate private access rights to fish in URT waters over a three-year period, with additional access provided for supply vessels;
- A small number of fishing authorisations (around five) would be purchased by EU longline vessels under private agreements, by way of trial fishing (with an improvement in the piracy situation¹⁴⁰);
- Access would be provided for catches of highly migratory species, i.e. tuna and tuna-like species, with purse seine vessels targeting skipjack, yellowfin and bigeye tuna, and with longline vessels targeting swordfish, shark and smaller catches of tuna;
- The three derogations to the obligations provided for under the Deep Sea Fishing Authority Regulations, 2009 that were granted through the MoUs signed with the Spanish vessel owners are renewed, if required, or obligations are subject to realistic conditions;
- Access costs would be based on a yearly vessel fishing authorisation fee. Additional charges could possibly be levied pursuant to the review of the Deep Sea Fishing Authority Regulations, 2009 programmed in 2014 (for example to enhance the MCS effort) pending adjustment of the regulations;
- No Joint Committee would be established to monitor or evaluate the access granted;
- Financial contributions would be made only by EU vessel owners, not by the EU; and
- Financial contributions would be for access only and not for fisheries sector policy support.

¹³⁷ French, Spanish, UK and Portuguese fleet representation and Member State administrations, pers. comm., October 2013.

¹³⁸ The terms of reference for this assignment state that 'precise negotiation scenarios should not be developed'.

¹³⁹ This upper figure is estimated based on the current 22 vessels, five Mayotte-flagged vessels that will become EU vessels from 1 January 2014, two new Spanish vessels being built, which will be additional to the existing fleet, and a return of five French vessels that left the WIO due to piracy. Spain has not indicated a return of any vessels with the improving piracy situation (French and Spanish fleet representation and Member State administrations, pers. comm., October 2013).

¹⁴⁰ These opportunities would be for Spanish, Portuguese and UK vessels. Interest could occur with any local depletion of swordfish stocks in current fishing grounds to the south and in the high seas and with the improvement in the piracy situation. And if option 2 were to include some trial licences under an FPA/Protocol on the basis that utilisation is a realistic possibility, then logically they should also be included in the 'no FPA' option. Vessels based in Réunion are smaller than vessels from Spain, Portugal and the UK and are not expected to be interested in fishing so far from Réunion.

5.4.3 Option 2: an FPA/Protocol between the EU and the URT

Option 2 is specified based on the text provided in section 5.1 and section 5.2, as follows:

- Between 22 and 40 fishing authorisations provided for EU purse seine vessels, with additional access included for supply vessels;
- A small number of trial fishing authorisations (around five) provided for EU longline vessels, with a clear legal basis for their removal after a certain period if they are not utilised;
- The FPA/Protocol to provide access to EU vessels for highly migratory species, i.e. tuna and tuna-like species, with purse seine vessels targeting skipjack, yellowfin and bigeye tuna, and with longline vessels targeting swordfish and shark, with smaller catches of tuna;
- The three derogations to the obligations provided for under the Deep Sea Fishing Authority Regulations, 2009 that were granted through the MoUs signed with the Spanish vessel owners are extended where applicable (or obligations are subject to realistic conditions) to EU vessels operating within the framework of the FPA/Protocol. Given the nature of tuna fisheries (i.e. migratory, few landings per vessel per year, the commodity nature of the product as described in the regional report), any requirement to take URT crew members on board, to land bycatch in a URT port and to inspect EU vessels in a URT port prior to issuing the fishing authorisation would appear to be difficult to achieve without specific incentives or conditions being worked out to make them applicable to the tuna industry¹⁴¹. It is therefore assumed that such exemptions or conditions would be a minimum requirement for any FPA/Protocol to be agreed;
- A Protocol lasting for an initial period of three years;
- Access costs to be based on vessel fishing authorisation fees, and a minimum reference tonnage with payments per tonne for catches over the reference tonnage. Additional costs may be required as a result of the review of the Deep Sea Fishing Authority Regulations, 2009 scheduled for 2014;
- A Joint Committee made up of representatives of both parties to meet regularly to monitor the implementation and impacts of the FPA/Protocol;
- Financial contributions to be made by both the EU and EU vessel owners for catching vessels but only by vessel owners for supply vessels; and
- Financial contributions to be provided for access, as well as for fisheries sector policy support.

5.5 The results expected

This section of the evaluation answers the question ***what are the expected economic, social and environmental impacts?*** It also looks at ***the impact and consequences of Mayotte becoming an outermost region of the EU***. It considers the results that would be expected from the two options outlined above in terms of potential economic, social and environmental impacts. The discussion below is framed in terms of the extent to which the two options would meet the needs of stakeholders, and generate results favourable to them. As presented earlier, some of these needs and expected results are shared, some are specific to the EU, and some are specific to the URT. The risks are also considered, along with potential mitigation measures.

5.5.1 Benefits and results shared by the EU and the URT

This evaluation has highlighted that the shared needs of both the EU and URT are conservation and sustainability of fish stocks, and respect for human rights and democratic principles. Having an FPA/Protocol

¹⁴¹ Note that it is the intent of the DSFA to review these requirements to make them applicable to tuna fishing vessels. Conditions may include the taking on board of ACP crew members as a substitute to URT crew, the possibility of landing bycatch taken in the URT's EEZ in another port (for example Victoria, Seychelles) and the conducting of inspections of EU vessels by URT fisheries agents in another port in the WIO region with costs being borne by EU vessel owners (for example Victoria, Seychelles).

could be expected to result in the overall and specific objectives mentioned above. It is notable, therefore, that having an FPA/Protocol would help deliver the shared need of resource conservation and environmental sustainability, and support for human rights and democratic principles. The granting of access within a framework guided and managed jointly by the EU and the URT, and as overseen by a Joint Committee, coupled with the specific financial contribution provided for sectoral support, represents the key difference in the results between the two options in terms of their potential impacts on the environment, i.e. on fish stocks, and on social impacts, i.e. respect for human rights and democratic principles. Financial contributions for sectoral support provided under an FPA/Protocol would be specifically earmarked for such improvements, and monitored through the sectoral support matrix and Joint Committee meetings. While stock status is such that key target stocks are not currently assessed as overfished or subject to overfishing, sectoral support funding is more likely to ensure that this continues to be the case. These differences mean that option 2 would be more likely to contribute to the overall and specific objectives of improved resource sustainability and human rights and democratic principles than would option 1, in which private access agreements would be used. In the longer term, an improved environmental performance under option 2 could be expected to result in improved economic and social impacts for both the EU and the URT, because sustainable management of stocks provides the basis for, and underpins, economic and social benefits from fish catches.

5.5.2 Benefits and results for the EU

The regional report (section 6) outlines the main impacts and benefits of the EU fleet's operations in the WIO, in terms of value-addition and employment in i) the EU catching sector, ii) upstream EU-based supply businesses providing goods and services to EU vessels, iii) downstream EU-based processing based on the flow of product from the WIO to Italy and Spain for processing, and, iv) supplies of product to EU consumers. While the benefits created by the longline fleet are not well documented, the economic and social benefits generated by the activities of the purse seine fleet alone is estimated to be 420+ jobs and EUR 140 million+ of value added in the EU, and 4 000+ jobs and EUR 22 – 40 million of value added in the WIO. Having an FPA/Protocol between the EU and the URT, i.e. option 2, would most likely not result in any measurable increases in these benefits over and above option 1. Any FPA/Protocol would not itself incentivise any increase in vessel numbers (from newly built vessels or from vessels fishing in other oceans returning to the WIO, which would occur under option 1 as well) and because the expected increase in purse seine vessel numbers from the current fleet of 22 vessels is based on a) Mayotte becoming part of the EU and therefore Mayotte vessels needing to be included under an FPA/Protocol, and b) a movement of vessels from other oceans back to the WIO (which is not dependent on an FPA, but rather on improvements in the piracy problem). While there would be increased catches by EU vessels (as defined for the purpose of the FPA/Protocol) in the WIO potentially proportional to the expected maximum of a 60 % increase in vessel numbers, these increases would either be just because of the change in status of Mayotte, or because of a displacement of activity from elsewhere. It is unlikely, therefore, that there would be any change in upstream or downstream benefits in the EU from either option.

In addition, it is not expected that option 2 would generate additional benefits in terms of value-added and employment over and above those that would be created under option 1, given that option 1 assumes that the needs of vessels to fish in the URT's EEZ would be met by private access agreements, i.e. the total amount of catches made, and the resulting upstream and downstream linkages, would be the same under both options.

The key benefit of option 2 over option 1 is therefore the increased security of access that would be provided for EU vessel owners under an FPA/Protocol, and the fact that the EU would negotiate access on their behalf. Furthermore, an FPA would enhance the monitoring of catch and effort data by the EU fleet in the URT EEZ as under the existing legal framework EU vessels have no obligation to report catch and effort data to the European Commission for activities undertaken under a private access agreement.

Finally, with respect to EU results, option 1 and option 2 would be characterised by different sources of funding. Under option 1, all funding for access would come from EU vessel owners, and none from the EU. This would mean a reduced requirement to use EU funds under option 1, and increased costs for EU vessel owners.

5.5.3 Benefits and results for the URT

The comments above suggest that, for both options, there would be little difference in benefits to the URT in terms of value-added and employment. Similar vessel numbers under both options would result in similar catches made in the EEZ (even though potentially increased from current levels because of the larger number of vessels fishing than at the present time). It is also assumed that access fees paid by the EU to the URT would be at comparable rates under both options and based on URT legislation.

Benefits to the URT in terms of improved capacity from fisheries management and conservation, resulting from the sectoral support provided under option 2 and representing the primary benefit to the URT, have been considered in the text above relating to the benefits and results shared by the EU and the URT given the shared/regional nature of tuna fisheries in the WIO.

5.5.4 Risks and mitigating measures

This section of the evaluation addresses the question of ***what risks are involved in the implementation of the intervention and what countermeasures could be proposed?*** The risks identified in association with a decision to provide a negotiation mandate, and then with any future FPA/Protocol, are as follows.

There is a risk of a failure by EU vessels to utilise the fishing opportunities provided. This risk exists for both options, as currently vessels purchase authorisations before they know whether they will use them. Likewise, under an FPA/Protocol, EU and vessel owner payments would be made without prior knowledge of catch size. Therefore, the difference is that under option 2 risks are for EU funds not providing value for money. To mitigate this risk, an FPA/Protocol could be structured with a low reference tonnage, but the willingness of the URT to agree to such an arrangement is not clear, and is potentially unlikely if it were to result in lower revenues than would be gained under option 1. The risk could also be mitigated by ensuring a conservative number of fishing opportunities is provided, based on the most likely estimate of actual vessel numbers likely to take up fishing opportunities. In the case of purse seine vessels, which already purchase authorisations under private agreements, demand for fishing authorisations seems more certain than for longline vessels, which do not do so. The risk of longline vessels provided with fishing opportunities in an FPA/Protocol not using those opportunities could be mitigated by a small number of trial opportunities as suggested in this evaluation, with the opportunities being removed from the Protocol after an agreed period if not used, to prevent continuing payments being made by the EU with no resulting benefits.

Failure to sign the FPA/Protocol due to internal disagreement between mainland Tanzania and Zanzibar, as was the case in the past, seems to be much less of a risk now that the Deep Sea Fishing Authority has been established and is up and running. Also, based on the consultations undertaken for this evaluation, it appears that the modalities for the distribution of benefits stemming from the agreement can be anticipated to be in line with the current arrangement for private agreements (DSFA 50 %, Government of mainland Tanzania 30 % and Government of Zanzibar 20 %).

There is also a risk of disagreement over whether the derogations (crewing, landing of bycatch in URT, pre-inspection of vessels) to the Deep Sea Fishing Authority Regulations, 2009, provided for under the private agreements signed by the Spanish vessel owners' associations, should be included in the FPA/Protocol or subject to agreeable incentives or conditions to make them applicable. However, this risk appears to be low considering the fact that the DSFA has recognised the need to review the fisheries regulations to adapt them to the characteristics of tuna fishing¹⁴². Granting of derogations under the private agreements is a first step in that direction.

A failure by parties to agree on the content of the sectoral support matrix given different views about priority objectives and needs is also a risk. However, this risk is not considered a major one, and the content of this report and background information provided on current donor assistance and government policy, should serve

¹⁴² DSFA, pers. comm., 23 September 2013.

to mitigate any such risk. It can also be observed that both the URT and the EU have many shared needs, as already highlighted, which should mean that the sectoral support matrix could be agreed without difficulty.

A failure by the Joint Committee to adequately monitor the implementation of the FPA/Protocol so as to achieve both its overall objectives as specified above (section 5.3), and the detailed arrangements and agreements contained within the FPA, Protocol and Annexes is a risk that should be mitigated by ensuring that the Joint Committee meetings are held in due time to verify the implementation of ongoing programming documents, and by careful review of the functioning of the Joint Committee in ex post evaluations.

Both options raise the risk of a displacement of benefits. Vessel numbers under both options could increase with some (potentially five) vessels moving from other oceans to fish in the WIO. This could result in reduced benefits from EU catches in other oceans, and potentially reduce the value for money provided by other EU FPAs/Protocols in these oceans. This risk could be minimised by future evaluations of FPAs/Protocols in other oceans monitoring such an eventuality and proposing reduced financial contributions as part of these other FPAs/Protocols.

Both options also have inherent risks with regard to uncertainty over fish prices (see regional report for some trends), and the impact such price fluctuations might have on achieving 'fair and mutual benefits'. Given that financial contributions for access can be expected to be based on an assumed value of catches based on fish prices and fixed for the duration of a Protocol, any rise or fall in tuna prices (assuming constant costs of fishing) would mean that the value-added made by EU vessels would rise or fall while the benefits to the URT from the financial contributions would decline or rise as a percentage of the sales value of fish. This risk, which is inherent due to the fluctuating international market prices for tuna, is more marked under option 2. Under option 1 financial contributions for access are negotiated annually. Risks associated with option 2 could therefore be minimised by having a Protocol that is not too long in duration.

Both options also have risks in relation to the exploitation of fish stocks in the WIO. While as already noted, none of the target species for EU fleets is assessed as being overfished or subject to overfishing, an increase in purse seine vessel numbers in the WIO would put increased pressure on stocks, and swordfish stocks might experience local depletion. These risks should be mitigated at regional and Member State level, based on the ongoing efforts described in the regional report (sections 4 and 6).

Finally, the additional risks of option 1 are the benefits of option 2, i.e.

- No sectoral support funding, potentially jeopardising the realisation of the objectives;
- Less coherence between access arrangements and other EU-linkages with the URT, for example development policy/funding;
- Reduced legal certainty and security of rights for vessel owners (because a Protocol is assumed for more than one year, while access rights under private agreements are assumed per year). This could jeopardise the regional network of fishing opportunities so important for the EU fleet in the WIO; and
- No strengthened role of the EU within the IOTC and other regional organisations, i.e. an FPA/Protocol would contribute to strengthening the role of the EU in the region.

5.5.5 Conclusion regarding the two options

The preceding text as summarised in Table 5.1 below – suggests that option 2 is preferable. While there are some risks in relation to value for money provided by EU funds under option 2, the overall objectives of sustainable exploitation and human rights and democratic principles, would be less likely to be achieved under option 1 (no FPA/Protocol). Given that exploitation of catches in a sustainable manner is the fundamental underpinning for long-term economic and social benefits for both parties, option 2 should be preferred. Ensuring that access provided to EU vessels is based on FPAs/Protocols rather than private agreements is also consistent with the long-term thinking of the EU that FPAs/Protocols are preferable to private access agreements signed by Member State fleets, because of the different results that are likely to stem from the two methods of access.

Table 5.1: summary comparison of two policy options being evaluated

Option 1 (no FPA/Protocol) – key benefits/costs/risks	Option 2 (an FPA/Protocol) – key benefits/costs/risks
<p><u>Support for sustainability objectives</u> – low: as access conditions would not cover many issues typically included in FPA/Protocol/Annex texts, and there would be no sectoral support funding or joint committee monitoring.</p> <p><u>Relevance to needs</u> – medium: same as option 2, but no sectoral support funding in support of fisheries sector management needs.</p> <p><u>Effectiveness</u> – medium: yearly negotiation process flexible/adaptive to changes in fish prices and rates of utilisation, but risk of failing to agree the basis for access and lower security of access provided to vessels.</p> <p><u>Efficiency</u> – unclear: without information/assumptions about costs of access.</p> <p><u>Coherence</u> – low: between access arrangements and other EU-linkages with the URT, and with EU's role as a member of the IOTC.</p> <p><u>Risks</u> – the lack of benefits resulting from option 2.</p>	<p><u>Support for sustainability objectives</u> – high: through the content of FPA/Protocol/Annex text and financial contributions for sectoral support funding.</p> <p><u>Relevance to needs</u> – medium/high: no (or insignificant) increase in total catches for the EU fleet, or upstream or downstream benefits/linkages in the EU or the URT over option 1. But increased security of network of fishing opportunities for EU fleet, and financial contributions to the URT used better for sectoral support needs.</p> <p><u>Effectiveness</u> – medium: a three-year assumed protocol providing good security of rights for vessels (subject to any reassessment of fishing opportunities), but low flexibility to match costs of access to changes in fish prices and utilisation.</p> <p><u>Efficiency</u> – unclear: without economic/financial modelling and with financial contributions not known. Risk of low efficiency and value for money for the EU if there is low utilisation of fishing opportunities.</p> <p><u>Coherence</u> – high: between access arrangements and other EU-linkages with the URT, and with EU's role as a member of the IOTC.</p> <p><u>Risks</u> – failure to agree a FPA/Protocol and sectoral support matrix, low utilisation and weak monitoring of the FPA/Protocol by the Joint Committee.</p>

Source: Consultants' compilation

5.6 The added value of EU/DG MARE involvement in a FPA/Protocol

In considering ***what are the present interventions by EU/Member States/other donors/private sector in relation to fisheries in the region (including aid to development programmes)***, it can be observed that recent/current regional interventions (for example tuna-tagging research, SmartFish, ACP FISH II, etc.) are numerous, as highlighted in sections 1.2 and 2.3 of the regional report, and that the URT has, and is still benefitting from such interventions. The SWIOFish project, reported in sections 1.6.3 and 2.3.2 of the regional report, has identified a number of project activities for improving fisheries management and MCS in the URT (for example, devise a MCS strategy for the URT EEZ). Section 2.2.1 of this report also profiles the Tanzania Tuna Fisheries Management and Development Strategy, for which funds will be required. The very clear added value of EU/DG MARE involvement in an FPA/Protocol is therefore the financial contributions for sectoral support funding that would be available to complement activities funded by the SWIOFish project (for example, implementation of strategic documents), and strategies and actions identified in the tuna strategy.

Such an approach would serve to ensure that ***the proposed FPA/Protocol would be complementary to and coherent with other interventions***, by providing synergies with other recent and ongoing interventions while ensuring that financial contributions for sectoral support under a FPA/Protocol were not duplicating the activities/funding provided by other interventions. An FPA, through its support from sectoral funding in helping the URT comply with its IOTC obligations and to implement IOTC resolutions/recommendations, would be

adding value in terms of ensuring that the intervention is complementary to other interventions and initiatives taking place at the regional level; this is important given the regional and shared nature of the tuna fisheries in the WIO. Given the typical content of the text of FPAs/Protocols, reform of the external dimension of the CFP and the setting of FPA/Protocol objectives and content in line with the reform, and the EU's status as a member of the IOTC, it can be expected that an FPA/Protocol would be fully coherent with the CFP (and its reform), with IOTC arrangements and with the EU's international obligations. The sectoral support matrix would also ensure that the FPA/Protocol is fully coherent with the national fisheries sectoral policy in the URT.

In considering **the role and impact of the IOTC**, the regional report (section 2.1.1 and Annex G) fully describes the role and impact of the IOTC in the WIO. In assessing **whether an FPA would contribute to strengthening the role of the EU in the region as a fishing player and as a market state and as regards compliance, control and surveillance**, it can be noted that having an FPA/Protocol with the URT would not itself result in any change in vessel numbers compared to the current situation where vessels fish in the URT under private access arrangements. However, it can be concluded that the EU's role in the IOTC would be strengthened if it were representing EU vessels fishing in URT waters under an FPA/Protocol, rather than such vessels fishing under private access agreements negotiated by vessel representative organisations. The strengthening of the EU's role within the IOTC will also occur with Mayotte becoming part of the EU as of 1 January 2014 and Mayotte-flagged vessels becoming EU vessels. In terms of MCS, having an FPA/Protocol would also add value by strengthening the EU's role, because vessels fishing under the FPA/Protocol would be required to report on activities occurring under an FPA/Protocol to the EU, and because the EU would be more likely to be directly involved in cases involving any allegations of infringements of regulations by EU vessels. In addition, strengthened bilateral ties between the EU and the URT may foster closer cooperation between them within the IOTC process.

The terms of reference for this evaluation require a consideration of the **possible consequences of the development of private initiatives for the development of observer programmes at the regional level and whether FPAs could contribute to improving the general compliance in the Indian Ocean or if synergies could be created with similar actions undertaken by regional bodies**. There has been confusion concerning the various initiatives to establish an observer programme in the region. IOTC Members have agreed to establish a nationally implemented Regional Observer Scheme with the primary objective to obtain a better estimate of the catch by species in all tuna fisheries. That is, the role of the observers is to be a scientific one, and it is not expected that they will verify compliance. The Resolution requires a low 5 % coverage of the fishing operations of larger vessels. In fisheries where placing an observer on board is not feasible, such as artisanal fisheries, the Resolution requests that a sampling programme be implemented with an equivalent sampling coverage to that of the on-board programme. Coastal States are often willing to place observers on board foreign-flagged vessels in order to verify compliance, erroneously believing that these observed trips count towards their 5 % coverage. The South-West Indian Ocean Fisheries Project (SWIOFP) (discussed in section 1.2.2 of the regional report) developed training materials and carried out observer training in countries in the region. However, the lack of funding at the national level meant that the observer programmes generally did not take off.

This is all relevant to the evaluation question posed, because the added value of EU involvement in an FPA/Protocol could be both: a) the use of sectoral support funding in the URT to support improved *compliance* of activities in URT waters, and b) improved estimates of tuna catch by species made from an improved sampling programme resulting from *scientific observation*. Both results would be in synergy with actions undertaken by the IOTC.

The role and consequences of other regional organisations, such as the Indian Ocean Commission (IOC), SWIOFC and others in regional tuna fisheries, is considered in detail in the regional report (section 2.1). While the IOTC is undoubtedly the key regional organisation involved with regional tuna management, these other organisations are nonetheless important. As noted in the regional report, the Indian Ocean Commission (IOC) has engaged in numerous projects related to fisheries, for example the Regional Tuna Tagging Programme (2002-2009), the regional SmartFish project (ongoing) and the Regional Plan for Fisheries Surveillance (2007-2014), which should continue to be supported through the SmartFish project. In

addition, in 2012 SWIOFC agreed to establish a Working Party on Collaboration and Cooperation in Tuna Matters with the main purpose of establishing a common vision and strategy concerning IOTC management actions, most notably, on the issue of future allocation of fishing opportunities. The added value of EU involvement in an FPA/Protocol is not immediately clear for the EU's relationships with these organisations as the EU is not a member/contracting party, but having an FPA with the URT could conceivably raise the profile of the EU within these organisations.

There are ongoing developments within the IOTC re quota allocations, which are being advocated primarily by 'like-minded' coastal States. In assessing ***what the impact will be of the creation of this coalition of 'like-minded' States on FPAs and future operations and relations in the region***, it can be concluded that in the long term these developments could have an impact on the catches available for all the different flag vessels operating in the region. However, it is too early to determine or quantify what the specific impacts of these developments might be, and therefore how they might affect any possible FPA between the EU and the URT. It can be expected that, in the short to medium term, there will be few direct impacts on FPAs/Protocols. However, the added value of EU involvement with an FPA/Protocol, from the perspective of the EU, could be to increase the negotiating position of the EU in future deliberations and developments on this issue.

5.7 The most appropriate method of implementation for the preferred option

This section of the evaluation addresses **which indicators, data collection arrangements or monitoring systems should be envisaged in order to ensure proper evaluation of the EU intervention in the future, and what indicators and evaluation arrangements are needed to measure the expected results and impacts.**

The appropriate method of implementation of the preferred option (to have an FPA/Protocol between the EU and the URT) relates to: i) procedural steps that must be taken, and ii) future monitoring and evaluation.

In terms of process, for an FPA/Protocol to be implemented, the Council of the EU must first be provided with this ex ante evaluation and the regional report, and the European Commission must be given a mandate to negotiate an FPA/Protocol with the URT on behalf of the EU. The European Commission and the URT should then prepare for, and complete negotiations regarding the detailed content of the FPA/Protocol. The content of the FPA/Protocol would then need to be approved by the URT's government, and by the Council of the EU and the European Parliament under co-decision making rules. With respect to approval by the URT's government, the procedure that must be followed by the government of URT when entering any international agreement (such as an FPA/Protocol) is that a body, in this case the DSFA is mandated to negotiate and lead the process, but approval is required by the Cabinet before it can be ratified¹⁴³.

With respect to monitoring and evaluation, the most appropriate method of implementation would be for:

- The EU to specify a logframe for the intervention with associated indicators, and means of verification, which could be used in any ex post evaluation;
- The EU and the URT to jointly agree on a sectoral support matrix (it is not the role of this evaluation to specify particular actions or indicators, as negotiations have not yet occurred, which would elaborate the sector support to be provided, but text in section 5.1.2 has provided information on the type of sectoral support activities that might be desired);
- A Joint Committee to meet at least yearly to assess both implementation of the FPA/Protocol in light of the logframe, and success in implementing the sectoral support matrix; and
- An evaluation to be completed before the Protocol expires, of both ex post results/impacts, and of potential ex ante results/impacts of a future Protocol. This would allow both parties to consider the need for renegotiation of the Protocol based on its utilisation and impacts.

¹⁴³ At the time of writing, confirmation of this process by the URT authorities is still being sought.

5.8 The volume of appropriations, human resources and other administrative expenditure to be allocated with due regard for the cost-effectiveness principle

This final section of the evaluation considers two evaluation questions:

- ***What are the different cost implications of the proposed options?*** (Direct financial outlays from the EU budget, administrative costs for the Commission, human resources needed and costs for third parties); and
- ***Will the benefits and longer-term impacts of the intervention justify the costs?***

Having an FPA/Protocol would have a number of implications in terms of the volume of appropriations from the EU budget, and the human resources and other administrative expenditure to be allocated.

Appropriations from the EU budget would be determined by levels of financial contribution to be paid by the EU to the URT for access and sectoral support. The exact amounts involved cannot be estimated at this stage and would depend on:

- The reference tonnage included in the FPA/Protocol;
- The price agreed for the catch;
- The actual utilisation of the FPA/Protocol; and
- The relative contributions to be made by a) the EU and b) EU vessel owners.

Additional implications for the EU budget would relate to the human resources required by the EU for negotiation and monitoring of the FPA/Protocol. These would arise from the following two requirements, but would have to be fulfilled within the existing DG MARE staffing and budgetary ceilings:

- Participation by DG MARE staff, and potentially by EU Delegation fisheries staff, in negotiations, and then in Joint Committee meetings (staff time and operational costs, for example travel); and
- DG MARE and EU Delegation staff time associated with fishing authorisations, data collection/management, financial management and ongoing monitoring of the FPA/Protocol.

Having an FPA/Protocol would also result in some likely costs for the URT in terms of staff time and any operational costs associated with the involvement of government personnel with monitoring the implementation of the FPA/Protocol and participating in Joint Committee meetings. But it is assumed that such responsibilities would be taken on by existing staff and covered within existing operational budgets.

Finally, there could be some potential staff and operational costs in Spanish, French, UK and Portuguese administrations, in negotiating, monitoring and overseeing the activities of Member State purse seine and longline vessels operating in the URT's waters. Existing staff in institutions would be expected to be involved i.e. these responsibilities will not require the hiring of new staff or additional staff costs. However, some additional operational budgets might be required to attend meetings.

Because the exact costs of an FPA/Protocol cannot be estimated at this time for the reasons stated above, it cannot be determined whether the benefits and longer-term impacts of the intervention justify the costs. In addition, the terms of reference for this evaluation do not require a full cost/benefit analysis of a possible FPA/Protocol between the EU and the URT. However, this evaluation has presented both the expected results/impacts of the intervention (section 5.5) and the added value of EU involvement (section 5.6), which together represent the benefits and long-term impacts.

6 Key findings and conclusions

This evaluation has i) highlighted a number of important points in relation to current problems of tuna fisheries management in the URT, ii) along with the regional report, provided a number of lessons learned, and iii) evaluated two options – one representing a situation with no FPA/Protocol and the other being an option to have an FPA/Protocol. The final section of this report provides a few key findings and conclusions on these issues. Statements in the text below are not referenced, given that full referencing has been provided in the main body of this report.

6.1 Key findings and conclusions about current problems and needs

Fisheries management and conservation of regional highly migratory species in the WIO falls primarily under the mandate of the IOTC, but it is the responsibility of members of IOTC to put into force IOTC resolutions and recommendations. As noted earlier in this report, fisheries management and MCS in URT requires strengthening given current weaknesses, and support from the IOTC, other regional organisations, and donor-supported projects and programmes, are all-important for URT given the current weak financial and human capacity for fisheries management and conservation. As observed in the regional report, the IOTC can itself be considered a ‘work in progress’ in terms of fisheries management and conservation, with room for improvement in the way it functions and serves to support its members.

All the key target stocks of EU fleets operating in the region are assessed by IOTC as not being overfished or subject to overfishing. However, given the limitations in the URT’s fisheries management capabilities and complexities in overlapping mandates between the mainland Tanzania, Zanzibar and URT obligations, and more widely in other countries in the WIO and in the functioning of regional management organisations, the key need shared by both the EU and the URT is for continued and concerted efforts aimed at effective fisheries management and conservation.

The URT desires to develop and better manage its tuna fisheries in order to address the goals set in the national planning framework and it is envisaged that implementation of this strategy will accelerate the growth and contribution of the fisheries industry in the form of both domestic and foreign catching sectors. The URT has developed a tuna fisheries development and management strategy and is working towards updating the DSFA regulations to more adequately address tuna resources. The current DSFA regulations have requirements for the landing of bycatch in the URT, pre-fishing inspections, carrying of fishery observers on vessels and the employment of three URT crew on fishing vessels. The URT, given the nature of tuna fisheries (i.e. migratory stocks, few landings per vessel per year, the commodity nature of the product as described in the regional report) has through the DSFA provided derogations on these clauses in current private access agreements for tuna species.

For the EU purse seine fleet, access to URT waters is part of its regional network of fishing opportunities, and is critical given the uncertain and migratory nature of tuna in the WIO, even if catches in certain years may be small. Related to this, is that current access is provided under private agreement, and along with Kenya, outside of high seas areas, URT waters are the only non-EU waters in the WIO to which EU vessels have access outside of an FPA/Protocol. The use of private access agreements provides considerable uncertainty for the EU fleet; something the fleet is keen to avoid. For the EU longline fleet, there is no fishing in the URT at the present time, but the improving piracy situation could encourage vessels to move north in the future, especially if any local depletion of swordfish stocks were to occur in current fishing grounds further to the south; this trend is confirmed by the application in 2013 by Asian longliners for fishing authorisations in URT.

6.2 Key lessons from the past

Previous evaluations of FPAs/Protocols in the WIO, for example with Seychelles and Comores, and the information contained in this report and in the regional report, suggest a number of important lessons learned from the past. Some of the most important are that:

- In 1990 and again in 2004 there have been failed attempts between the EU and the URT to enter into a fisheries access agreement, suggesting that successful conclusion of FPAs/Protocols is not assured even if a mandate is given for negotiation. Other FPAs/Protocols in the region have, however, been successfully concluded;
- Private access arrangements by EU vessels with the URT at the present time indicate likely demand by the EU purse seine fleet for an FPA/Protocol. There are currently no private agreements with EU longline vessels to fish in the URT, and use of longline opportunities in other FPAs/Protocols in the WIO has sometimes been low;
- EU purse seine and longline activity in the fishing zones of countries in the WIO region result in considerable direct economic and employment benefits in the catching sector, upstream supply sector, and downstream landings and processing sector. While the benefits created by the longline fleet are not well documented, the economic and social benefits generated by the activities of the purse seine fleet alone in 2012 is estimated to be 420+ jobs and EUR 140 million+ of value-added in the EU, and 4 000+ jobs and EUR 22 – 40 million of value-added in the WIO. The high level of processing of catch within the region, and the resulting economic and social benefits, are of special note. The URT does not process tuna caught in the WIO, however, with a better framework provided to fishing in the URT EEZ for tuna it may encourage processing industry as has occurred in other countries; and
- Catches made in the WIO by EU purse seine and longline vessels contribute significantly to the EU market, with product flows to the EU from the WIO of around 99 000 t of canned tuna, 18 000 t of loined tuna, 11 000 t of frozen tuna for processing, and 7 200 t of frozen tuna for direct human consumption per year.

6.3 Key findings and conclusions about the two options considered by the ex ante evaluation

This report has completed an ex ante evaluation of two possible policy interventions, or options, in line with the EU financial regulation. Option 1 is 'no FPA/Protocol' and to leave individual vessel owners or their representative organisations to negotiate access to URT's EEZ. Option 2 is 'an FPA/Protocol' with fishing opportunities for 22-40 purse seine vessels, and for a limited number (around five) of trial longline fishing opportunities, with financial contributions for access and sectoral support, and with a Joint Committee to oversee implementation. The evaluation finds that the employment and value-added benefits to the EU and the URT in upstream, catching and downstream/processing sectors would be similar under both options. However, while there are some risks related to option 2, such as low value for money provided by EU funds if utilisation of fishing opportunities is low, the overall objectives of sustainable exploitation and human rights and democratic principles would be more likely to be achieved than under option 1. This is primarily because of the added value associated with EU involvement under option 2. Option 2 would ensure that conditions of access are coherent with CFP reform, that sectoral support funding is provided to URT, and that monitoring of an FPA/Protocol would take place by a Joint Committee. Given that exploitation of catches in a sustainable manner is the fundamental underpinning for long-term economic and social benefits for both parties, option 2 should be the preferred option.

7 References

EU legislation

Consolidated versions of EU legal texts presented below are available on the European website EUR-Lex¹⁴⁴.

Regulation (EU, Euratom) No 966/2012 Of The European Parliament And Of The Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002.

Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters.

Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels.

Council Regulation (EC) No. 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999.

Other references used

ACP-EU trade, 2011. EPA Negotiations: Where do we stand? SADC. Available at: <http://www.acp-eu-trade.org/index.php?loc=epa/SADC.php> [accessed on 2 October 2013].

African Development Bank, 2011. United Republic of Tanzania Country Strategy Paper 2011-2015, June 2011. Available at: <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/TANZANIA-%202011-2015%20CSP.pdf> [accessed on 23 August 2013].

African Union 2010, Report of the First Conference of African Ministers of Fisheries and Aquaculture, 20-23 September 2010, Banjul, the Gambia.

African Union, 2013. East African Community (EAC). Available at: <http://www.au.int/en/recs/eac> [accessed on 25 September 2013].

ASCLME, 2012. National Marine Ecosystem Diagnostic Analysis. Tanzania. Contribution to the Agulhas and Somali Current Large Marine Ecosystems Project (supported by UNDP with GEF grant financing). Unpublished report. Available at: <http://www.asclme.org/reports2013/National%20MEDAs/MEDA%20Tanzania/TanzaniaMEDAProof.pdf> [accessed on 23 August 2013].

Bergh P. E. January 2012 Comprehensive review of the MCS capacity to implement effective MCS at a national and regional level including RFMO agreed actions, in the ESA-IO region, Implementation of a Regional Fisheries Strategy for the Eastern- Southern Africa and Indian Ocean Region - Indian Ocean Commission Report SF/2012/14 produced by Agrotec with the financial assistance of the EU to determine areas to be updated, harmonized and to identify barriers to implementation of effective MCS, Mauritius.

DG Trade Statistics, 2011. DG Trade, Tanzania: Main Economic Indicators. Available at: http://trade.ec.europa.eu/doclib/docs/2011/january/tradoc_147400.pdf [accessed on 2013, September 24].

DG Trade Statistics, 2012. Tanzania: EU Bilateral Trade and Trade with the world. Available at: http://trade.ec.europa.eu/doclib/docs/2011/january/tradoc_147401.pdf [accessed on 2013, October 02].

¹⁴⁴ <http://eur-lex.europa.eu>

Eastern African Marine Ecoregion Programme, 2005. Towards Sustainable and Equitable Fisheries Access Agreements in the Western Indian Ocean Region. WWF: Dar es Salaam, Tanzania. 52pp.

EAC, 2008. Treaty for the Establishment of the East African Community (As amended on 14 December, 2006 and 20 August, 2007). Available at: <http://www.eac.int/treaty/> [accessed on 25 September 2013].

El Kharousy, Zahor, 2011. Tanzania National Report to the Scientific Committee of the Indian Ocean Tuna Commission.

European Commission, 2011. Final report of an audit carried out in Tanzania from 19-23 September 2009 in order to evaluate the control systems in place governing the production of fishery products intended for export to the European Union. Available at:

https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerActivity_en.htm# [accessed on 12 October 2013].

European Commission, 2013. EU meets Eastern and Southern African partners to discuss EPA implementation, May 2013. Available at: <http://trade.ec.europa.eu/doclib/press/index.cfm?id=897> [accessed on 2013, October 02].

European Union, 2012. EU Development Work in Tanzania: European Commission - MEMO/12/584 20/07/2012. Available at: http://europa.eu/rapid/press-release_MEMO-12-584_en.htm [accessed on 2013, August 12].

FAO, 2007. Fishery Country Profile: The United Republic of Tanzania. Available at: ftp://ftp.fao.org/fi/document/fcp/en/FI_CP_TZ.pdf [accessed on 2013, August 09].

Geographia, 2013. Exploring Tanzania. Available at: <http://www.geographia.com/tanzania/> [accessed on 2013, August 09].

Government of the United Kingdom, 2013. Foreign travel advice: Tanzania. Available at: <https://www.gov.uk/foreign-travel-advice/tanzania/safety-and-security> [accessed on 2013, September 27].

Hempel, E. and Larsen, B March 2012. Trade Assessment Study, Implementation of a Regional Fisheries Strategy (IRFS) for the Eastern-Southern Africa and India Ocean Region -: Indian Ocean Commission Report SF/2012/06 produced by Agrotec with the financial assistance of the EU Trade Assessment Study, March 2012.

Hingley, C., 2012. Tanzania Country Strategy Development Paper, July 2012. Available at: <http://www.mrdf.org.uk/partners/Tanzania%20CSD.pdf> [accessed on 2013 September 20].

Hosch, G., 2011. Accompanying developing countries in complying with the Implementation of Regulation 1005/2008 on Illegal, Unreported and Unregulated (IUU) Fishing EuropeAid/129609/C/SER/Multi. Country Evaluation Report: Tanzania. European Union, Brussels.

IIFET, 2012. 16th Biennial Conference of the International Institute of Fisheries Economics and Trade Tanzania Visible Possibilities: The Economics of Sustainable Fisheries, Aquaculture and Seafood Trade.

IISD, 2012. iisd Reporting Services: COFI 30 Highlights, July 2012. Available at: <http://www.iisd.ca/vol29/enb2908e.html> [accessed on 2013, September 25].

IOTC, 2011. Tanzania National Report to the Scientific Committee of the Indian Ocean Tuna Commission, 2011. Zahor El Kharousy, Deep Sea Fishing Authority. Revised: December 2011. Available at: http://www.iotc.org/files/proceedings/2011/sc/IOTC-2011-SC14-NR26%20Rev_1.pdf [accessed on 2013, October 14].

IOTC, 2012. Compliance Report for Tanzania. Available at: <http://www.iotc.org/files/proceedings/2013/coc/IOTC-2013-CoC10-CR27%5bE%5d-Tanzania.pdf> [accessed on 14 October 2013].

- IOTC, 2013. Indian Ocean Tuna Commission (IOTC) Compliance Report for: Tanzania, April 2013. Available: [http://www.iotc.org/files/proceedings/2013/coc/IOTC-2013-CoC10-CR27\[E\]-Tanzania.pdf](http://www.iotc.org/files/proceedings/2013/coc/IOTC-2013-CoC10-CR27[E]-Tanzania.pdf) [accessed on 2013, October 14].
- Julius, A., 2005. Monitoring Programme for Resource Condition, Environmental and Biological Parameters for Mnazi Bay Ruvuma Estuary Marine Park (MBREMPbrem) Tanzania. Dar es Salaam, Tanzania. Available at: www.unuftp.is/static/fellows/document/anita05prf.pdf [accessed on 2013, August 23].
- Kweka, J., Musa, J., Kabelwa, G., 2006. The linkages between trade, development and poverty reduction: The case study of fisheries sub sector in Tanzania. Economic and Social Research Foundation (ESRF), October 2006. Available at: http://www.cuts-citee.org/tdp/pdf/Case_Study-Fisheries_Sub_Sector_in_Tanzania.pdf [accessed on 2013, September 20].
- Macfadyen, G., 2012. Sustainable shrimp/prawn fisheries in Kenya and Tanzania – assessment of stakeholder interest in, and the potential benefits of, a WWF-supported shrimp blueprint adaptation process in both Kenya and Tanzania. Poseidon/WWF report.
- Marine Conservation Agreements Toolkit, 2012. Country and State Analyses: Tanzania. Available at: http://www.mcatoolkit.org/Country_Analyses/Tanzania.html [accessed on 2013, October 14].
- MRAG, 2005. Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries. London: MRAG.
- MLFD, 2008. Joint Marine Fisheries Frame Survey, 2008. Ministry of Livestock and Fisheries Development (Tanzania) and Ministry of Agriculture, Livestock and Environment (Zanzibar).
- OECD, 2012. African Economic Outlook 2012. Available at: http://www.oecd-ilibrary.org/development/african-economic-outlook-2013/tanzania_aeo-2013-56-en [accessed on 2013, October 14].
- OECD, 2013. OECD Trade Facilitation Indicators: Tanzania. Available at: http://www.oecd.org/tad/facilitation/Tanzania_OECD-Trade-Facilitation-Indicators.pdf [accessed on 2013, September 02].
- Poseidon, MRAG, NFDS and Cofrepêche, 2014. Review of tuna fisheries in the Western Indian Ocean (Framework contract MARE/2011/01 – Lot 3, specific contract 7). Brussels.
- Promar Consulting, 2011. 2011 Agriculture, Forestry and Fisheries of Tanzania: Fact-Finding Survey for the Support of Aid to Developing Countries. The Ministry Of Agriculture, Forestry and Fisheries, Japan, March 2010. Available at: http://www.promarconsulting.com/site/wp-content/uploads/2012/05/Tanzania_2012.pdf [accessed on 2013, October 07].
- Sea Around Us Project, 2013. EEZ waters of Tanzania. Available at: <http://www.seaaroundus.org/eez/834.aspx> [accessed on 2013, August 23].
- Sobo, F., 2006. Overview of Fisheries and Aquaculture Resources: Tanzania. Fisheries Division, Tanzania. Available at: http://www.iceida.is/media/pdf/Tanzania_Poster_Namibia_Workshop.pdf [accessed on 2013, August 09].
- Sumaila, U.R, Alder, J. and Keith, H., 2004. The cost of being apprehended for fishing illegally: Empirical evidence and policy implications. *In* Fish Piracy: Combating illegal, unreported and unregulated fishing. Organisation for Economic Co-operation and Development (OECD), Paris, pp. 201-230.
- SWIOFP, 2011. IndiSeas-SWIOFP meeting, University of Cape Town 18-19 January 2011: Marine Fisheries of Tanzania. Available at: http://www.swiofp.net/documents/indiseas-swiofp-meeting/national-presentations-swiofp-indiseas/presentation-tanzania_swiofp-indiseas [accessed on 2013, August 23].
- The City of Tampere, 2006. Local Government Systems in Tanzania. Available at: http://www.tampere.fi/tiedostot/5nCY6QHaV/kuntajarjestelma_tansania_.pdf [accessed on 2013, August 23].
- The Revolutionary Government of Zanzibar, No Date. Historical Background of Zanzibar. Available at: <http://zanzibar.go.tz/index.php?rgo=history> [accessed on 2013 September 18].

- Tindall, C., 2012. Fisheries in Transition: 50 Interviews with the Fishing Sector. The Prince's Charities' International Sustainability Unit, February 2012. Available at: http://pcfisu.org/wp-content/uploads/2012/01/TPC1224-Princes-Charities-case-studies-report_WEB-02.02.pdf [accessed on 2013, October 04].
- UNDP, 2013. Human Development Report 2013, The Rise of the South: Human Progress in a Diverse World Empowered lives. Available at: <http://www.undp.org.na/SharedFiles/Download.aspx?pageid=44andfileid=356andmid=84> [accessed on 2013, September 04].
- United Framework Convention on Climate Change, 2007. National Adaptation Programme of Action (NAPA). January 2007. Available: <http://unfccc.int/resource/docs/napa/tza01.pdf> [accessed on 2013 September 20].
- UN, 2011. United Nations Development Assistance Plan (UNDAP) 2011-2015. United Nations Tanzania, June 2011. Available at: <http://www.undg.org/docs/12138/UNDAP-2011-2015.pdf> [accessed on 2013, October 09].
- URT, 2003. National Trade Policy: Trade Policy for a Competitive Economy and Export-led Growth. Ministry of Industry and Trade, Dar es Salaam, February 2003. Available at: <http://www.tanzania.go.tz/pdf/tradepolicy.pdf> [accessed on 2013, September 27].
- URT, 2010. Compact For Supporting Agricultural the United Republic of Tanzania. The Comprehensive Africa Agriculture Development Programme (CAADP), July 2010. Available at: <http://www.caadp.net/pdf/Tz%20CAADP%20Compact%20-%20signed1.pdf> [accessed on 2013, October 09].
- URT, 2012a. National Climate Change Communication Strategy (2012-2017), Office of the Vice President's, Division of Environment. October 2012.
- URT, 2012b. Partial Submission on the Continental Shelf beyond 200 Nautical Miles to the Commission on the Limits of the Continental Shelf Pursuant to Part VI and Annex II to the United Nations Convention on the Law of the Sea 1982. January 2012. Available at: http://www.un.org/depts/los/clcs_new/submissions_files/tza59_12/Executive%20Summary_%20URT-DOC-001_18-01-2012.pdf [accessed on 2013, November 06].
- URT, 1989. Territorial Sea and Exclusive Economic Zone Act of 1989.
- U.S. Department of Commerce, 2013. Improving International Fisheries Management – Report to Congress Pursuant to Section 403(a) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, NOAA fisheries. Available at: http://www.nmfs.noaa.gov/ia/iuu/msra_page/2013_biennial_report_to_congress_jan_11_2013_final.pdf [accessed on 2013, October 09].
- Well, S., Juma, S., Muhando, C., Makota, V. and Agardy, T., 2004. Study of the ecological basis for establishing a system of Marine Protected Areas (MPAs) and Marine Management Areas (MMAs) in the United Republic of Tanzania. Report submitted to World Bank. Social Sustainable Development Trust Fund. Nairobi.
- Wilson, J.D.K., 2004. Fiscal Arrangements in the Tanzanian Fisheries Sector. FAO Fisheries Circular No. 1000; Rome.
- World Bank, 2006. URT National Strategy for Growth and reduction of Poverty and Joint IDA-IMF Staff Advisory Note. March 2006. Available at: http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2006/04/19/000012009_20060419093138/Rendered/PDF/355680rev0pdf.pdf [accessed on 2013, October 09].
- World Bank. 2013a. Doing Business 2013: Smarter Regulations for Small and Medium-Size Enterprises. Washington, DC: World Bank Group. DOI: 10.1596/978-0-8213-9615-5. License: Creative Commons Attribution CC BY 3.0 Available at: <http://www.doingbusiness.org/~media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB13-full-report.pdf> [report.pdf [accessed on 2013, September 19].

World Bank, 2013b. Implementation Completion And Results Report On A Credit In The Amount Of SDR 33.9 Million and a Global Environmental Facility Grant in the Amount Of US\$ 10 million to the United Republic Of Tanzania for a Marine and Coastal Environment Management Project. World Bank, August 2013. Available at: http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2013/08/23/000445729_20130823112059/Rendered/PDF/ICR27540ICR0Ta000OUO0900Box379808B0.pdf [accessed on 2013 October 14].

Annexes

Annex A: currency exchange rates used in this report

EUR exchange rate (1 =)	2007	2008	2009	2010	2011	2012	2013
USD	1.35	1.57	1.41	1.22	1.44	1.24	1.30
TZS	1 699	1 841	1 793	1 691	2 194	1 976	2 088

Rates at year mid-point (30 June)

Source: Inforeuro¹⁴⁵

¹⁴⁵ http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm.

Annex B: list of acronyms/abbreviations

ACP	African, Caribbean and Pacific
AFDB	African Development Bank
AGOA	African Growth and Opportunity Act
ANABAC	Asociación Nacional de Armadores de Buques Atuneros Congeladores
ASCLME	Agulhas and Somali Current Large Marine Ecosystem
AU	African Union
BMU	Beach Management Unit
CAADP	Comprehensive African Agricultural Development Programme
CCM	Chama Cha Mapinduzi
CCS	catch certificate schemes
CFP	common fisheries policy
CIFAA	The Committee on Inland Fisheries and Aquaculture of Africa
CMM	Conservation and Management Measures
COFI	FAO Committee on Fisheries
COMESA	Common Market for Eastern and Southern Africa
DA	District Authority
DFD	The Department of Fisheries Development
DG MARE	Directorate-General for Maritime Affairs and Fisheries
DSFA	Deep Sea Fishing Authority
DWFN	distant water fishing nation
EAC	East African Community
EBA	Everything But Arms
EC	European Commission
EEZ	exclusive economic zone
EPA	Economic Partnership Agreement
ESA	East and Southern Africa
EU	European Union
EUR	Euro
FAO	Food and Agriculture Organisation
FDD	Fisheries Development Division
FMQCS	Fisheries Marketing and Quality Control Section
FPA	Fisheries Partnership Agreement
FRDS	Fisheries Resources Development Section
FSDS	Fisheries Sector Development Strategy
GDP	gross domestic product
GEF	Global Environment Facility
GNU	Government of National Unity
GSP	generalised system of preferences
GSTP	global system of trade preferences among developing countries
HDI	Human Development Index
IIAG	Ibrahim Index of African Governance

IMF	International Monetary Fund
IOC	Indian Ocean Commission
IOTC	Indian Ocean Tuna Commission
IUCN	International Union for Conservation of Nature
IUU	illegal, unregulated and unreported
IWC	International Whaling Commission
kg	Kilogramme
km	Kilometre
LDC	least developed country
LIFDC	low-income food-deficit country
LOA	length overall
LTA-PRODAP	Lake Tanganyika Integrated Regional Development Programme
LVFO	Lake Victoria Fisheries Organization
MACEMP	(World Bank) Marine and Coastal Environment Management Project
MCS	monitoring, control and surveillance
MCSS	Monitoring Control and Surveillance Section
MDGS	Millennium Development Goals
MFDC	Mbegani Fisheries Development Centre (in Bagamoyo)
MKUZA	Zanzibar Strategy for Growth and Reduction of Poverty
MLF	The Ministry of Livestock and Fisheries
MLFD	Ministry of Livestock and Fisheries Development
MoU	Memorandum of Understanding
MPA	Marine Protected Area
NAPA	National Adaptation Programme of Action
NEPAD	New Partnership for Africa's Development
NFFI	Nyegezi Freshwater Fisheries Institute (in Mwanza)
NGO	non-governmental organisation
nm	nautical mile
NPOA	National Plan of Action
NSC	National Steering Committee
NSGRP	National Strategy for Growth and Reduction of Poverty
NSGRP II- MKUKUTA II	Second National Strategy for Growth and Reduction of Poverty
OECD	Organization for Economic Cooperation and Development's
OPAGAC	Organización de Productores Asociados de Grandes Atuneros Congeladores
ORTHONGEL	Organisation de Producteurs de Thon Congelé
REC	regional economic community
RFB	regional fisheries body
RFMO	regional fisheries management organisation
SADC	Southern African Development Community
SAGCOT	Southern Agricultural Growth Corridor of Tanzania
SPS	sanitary and phyto-sanitary
SUA	Sokoine University of Agriculture

SWIOFC	Southwest Indian Ocean Fisheries Commission
SWIOFP	South-West Indian Ocean Fisheries Project
t	tonne(s)
TFMS	Tuna Fishery Management Strategy
TIFPA	Tanzania Industrial Fishing and Processors Association
TZS	Tanzanian shilling
UNCBD	United Nations Convention on Biological Diversity
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNEP WCMC	United Nations Environment Programme World Conservation Monitoring Centre
UNFCCC	United Nations Framework Convention on Climate Change
UNFSA	United Nations Fish Stocks Agreement
URT	The United Republic of Tanzania
USA	United States of America
USD	United States dollar
VMS	vessel monitoring system
WIO	western Indian Ocean
WIOMSA	Western Indian Ocean Marine Science Association
WIOTO	Western Indian Ocean Tuna Organization
WWF	World Wide Fund for Nature

Annex C: consulted organisations

The consultants are grateful to all stakeholders who shared their time, thoughts, information and data with the consulting team, which completed this specific contract.

A. organisations consulted in Europe

Organisation	Department position
European Commission	DG MARE F.2. Evaluation and impact assessment coordination
	DG MARE B.3 Various as appropriate
	DG MARE.B.1 Administrator for WIO/ Desk officer for IOTC
	DG MARE D.4 Fishing authorisation and catch data officer
	DG MARE B.2 Trade, Indian Ocean EPAs
	DG DEVCO Horn of Africa Unit, desk officer for Seychelles
EEAS	II A1, Aid cooperation East Africa
Ministère de l'agriculture, de l'alimentation, de la pêche, de la ruralité et de l'aménagement du territoire (MAAP), Direction des Pêches Maritimes et de l'Aquaculture (DPMA), Sous-direction des Ressources Halieutiques, France	Bureau des affaires internationales et européennes, Affaires européennes, Chargé de Missions
SG Acuerdos y Organizaciones Regionales de Pesca. DG Recursos Pesqueros y Acuicultura. Secretaría General de Pesca. Spain	SG Adjunta de Acuerdos y ORPs Head and Deputy Head of unit for fisheries agreements and RFMOs
Direcção-Geral das Pescas e Aquicultura. Portugal	Chefe de Divisão de Recursos Externos Técnico Superior
CEPESCA (Professional organisation), Spain	Secretaria General Adjunta
OPAGAC (Professional organisation), Spain	Director Gerente
Espagne - ANABAC (Professional organisation), Spain	Directeur
ORTHONGEL (Professional organisation), France	Directeur
Food and Agriculture Organisation (of the United Nations)	Fish marketing division/Globefish

B. organisations consulted in the URT

Organisation	Department position
Ministry of Fisheries and Livestock, Fisheries Development Division (Dar es Salaam)	Director of Fisheries Development
Ministry of Livestock and Fisheries (Zanzibar)	Principle Secretary
Deep Sea Fishing Authority (Zanzibar)	Director General
Zanzibar Maritime Authority	Deputy Director
WWF regional office (Dar es Salaam)	Head of Marine Programme, WWF Coastal East Africa Initiative
Western Indian Ocean Marine Science Association (Zanzibar)	CEO
Tanzania Police Force	Assistant Commissioner of Police and staff

Annex D: methodology

This annex provides a short discussion on the methodology used to complete the evaluation. In particular, comment is provided on the perceived strengths and weaknesses of the approach used, and whether it would have led to any distortions or inaccuracies in the findings and analysis as presented.

The evaluation was completed during the period September to December 2013, and was based on: a review of relevant literature (see references at the end of the main text of this report); a visit by the contractors to the URT (22 to 28 September 2013) to collect much of the information presented in sections 1-4 and to discuss URT stakeholder views about a possible FPA/Protocol; and relevant consultations in the EU with European Commission services, the European External Action Service (EEAS), Member State administrations, and the private sector.

The review of relevant literature, as evidenced from the reference list contained in the report, is considered as extensive. All fisheries policy, legislation and management documents of relevance to highly migratory species were collected and assessed for their relevance to the evaluation. References were sourced from the contractor's own library of documents, from the contractor's own network of consultants familiar with working in URT and the region more generally, from meetings completed with URT officials during the evaluation, and from web-based sources. It is therefore unlikely that any key literature references have been overlooked which would have led to significant distortions or errors in the findings and conclusions. It should also be noted that this evaluation is underpinned by the regional report on the WIO. This regional report was itself based on a very wide range of references and consultations in the WIO, and this evaluation has therefore benefitted significantly from the approach taken to this specific contract i.e. a regional report underpinning and informing both the URT and Kenya ex ante evaluation reports.

The visit by the contractors to the URT was short, given the budget provided for the evaluation. A five-day period was available for meetings in both Zanzibar and Dar es Salaam. It must therefore be acknowledged that the short time spent in the URT meant that the views and opinions obtained by the contractors might in some cases have been less nuanced and in-depth than they might otherwise have been if the time and budget for the site visit had been more extensive. It is also of note that although the contractors were able to speak at length on the telephone with officials from MLFD (Dar es Salaam) they were not able to meet with them due to a government retreat held during the same period. The contractors were able to meet with officials and the Director General from the DSFA (Zanzibar); officials from the MLF (Zanzibar); officials from the Zanzibar Maritime Authority; the WWF regional office (Dar es Salaam); the Western Indian Ocean Marine Science Association (Zanzibar) and the Tanzania Police Force. However, it is the view of the contractors that a longer period spent in the URT is unlikely to have yielded significantly different views, and would probably not have represented value for money. In summary, it is therefore concluded that apart from the MLFD, the contractors were able to meet with most relevant stakeholders in the URT to obtain their views, ensuring that there is unlikely to be a significant distortion of the views presented in this evaluation that might have led to erroneous conclusions.

Consultations in the EU were completed with relevant Commission services and with EEAS. Face-to-face meetings were also held with the Spanish administration, given that its fleet in the WIO is the largest of any EU Member State. Other Member State administrations were consulted remotely by email/telephone using a short questionnaire, which was prepared to capture views on all the key issues in a consistent manner. With respect to private sector stakeholders, visits were made to Spain and France to meet in person with key representative sector organisations (for example, both of the two purse seine associations in Spain, the purse seine association in France, and two of the four longline associations in Spain). Spanish longline associations not met with while in Spain, and all Portuguese private sector longline vessel owners with vessels in the WIO, were approached for their views (with contacts for individual vessel owners having been provided to the contractors by the Portuguese administration). As with the visit to URT, greater time and budget for face-to-face meetings with stakeholders might have resulted in more complete information, but the presence of sector representative associations in Spain and France, and the consultations completed with administrations and the private sector in all Member States with vessels active in the WIO, means that the views of governments and individual vessel owners can be considered to have been obtained. Greater time and budget for EU

consultations would probably not have provided value for money or materially changed the findings and conclusions presented in this report, or its accuracy.

Finally, with respect to the methodology used, it should be noted that the Interim and Draft Final versions of this report were submitted by the consultants during the period over which the evaluation was completed, and discussed at periodic meetings in Brussels with a project steering committee made up of officials from various Commission services and EEAS to provide the necessary guidance to the contractors. At these meetings the contractors presented the reports using PowerPoint presentations to capture all the key issues, and useful feedback provided and questions raised by the steering committee served to guide the contractors and improve the quality of the report. Minutes of all meetings, and the agreements reached and comments made, were prepared by the contractors and agreed with DG MARE.

Annex E: map of the eastern African marine eco-region

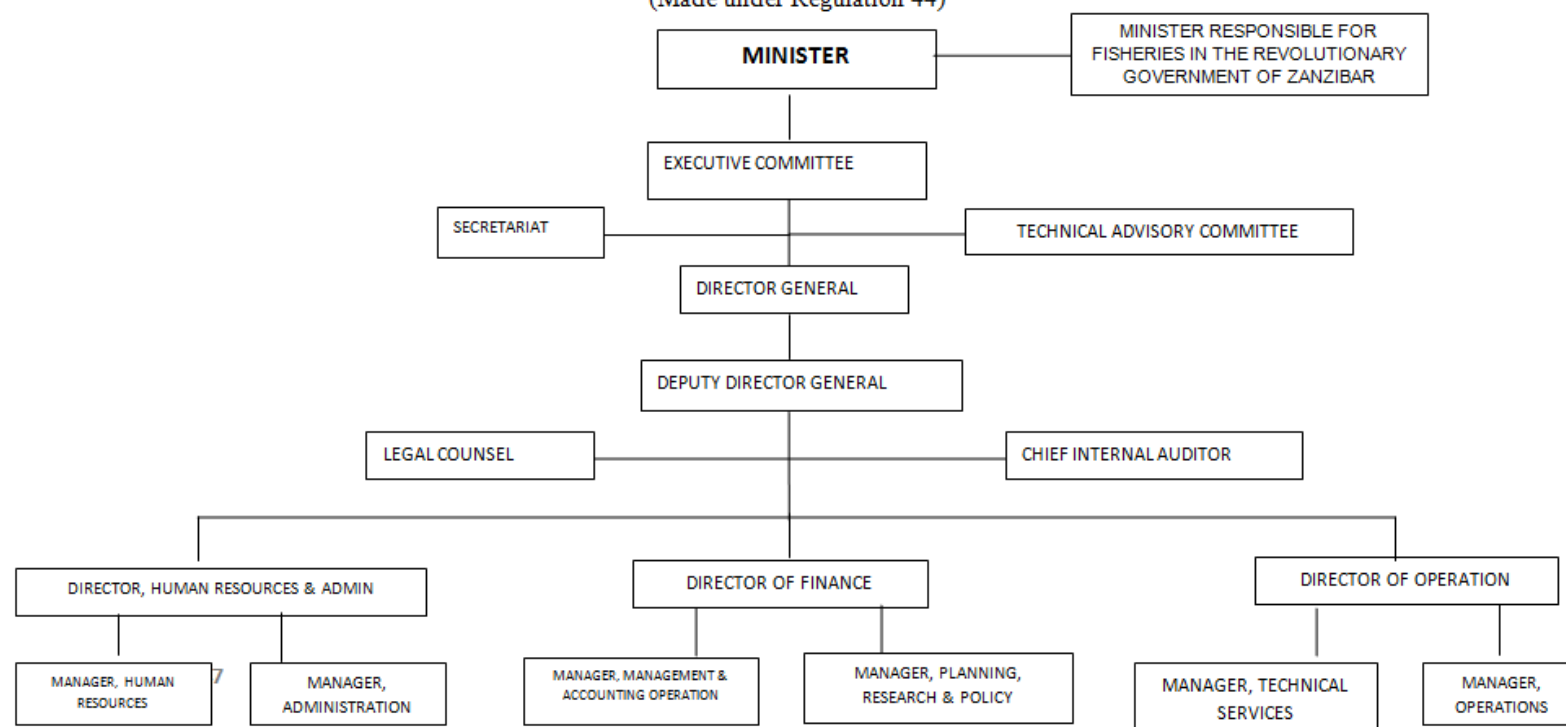


Source: Eastern African Marine Ecoregion Programme, 2005

Annex F: organisation structure of the authority

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388
The Deep Sea Fishing Authority Regulations, 2009

ORGANISATION STRUCTURE OF THE AUTHORITY
(Made under Regulation 44)



Source: Deep Sea Fisheries Authority Act, 2009

Annex G: objectives of the draft Fisheries Sector Development Strategy

The MLFD in collaboration with stakeholders has developed the Fisheries Sector Development Strategy (FSDS), which is intended to be implemented over a period of five years. The FSDS is an operation tool for the new National Fisheries Sector Policy (current draft 2010) that spells out actionable interventions required to meet the Fisheries Sector vision, mission and objectives in short, medium and long term. It provides a sector-wide framework for the formulation of the Fisheries Sector Development Programme. It will also facilitate coordination of fisheries development interventions and actions by the various stakeholders in a more focused and coherent manner.

The overall goal of the FSDS is to develop a sustainable, competitive and more efficient fisheries industry that contributes to the improvement of the livelihoods of all fishermen, aqua-farmers and the national economy while preserving the environment. Annex G provides the objectives of the FSDS. The FSDP was designed as an integral part of the country's participatory processes and fits within the framework of the National Strategy for Growth and Reduction of Poverty (MKUKUTA II) of the URT and other development planning frameworks. It is aiming at addressing the macro and micro economic changes, constraints and challenges facing the fisheries sector and optimally utilise the available opportunities. Some of these challenges include: ineffective fisheries resources management; low level of value-addition of fish and fishery products; environmental degradation; unsustainable fisheries resources; IUU fishing; illegal cross-border trade; poor infrastructure and inappropriate technologies in fishing. The programme comprises six components: (i) fisheries resource management; (ii) resources utilisation and marketing; (iii) aquaculture development; (iv) research, training and extension; (v) legal and institutional framework; and (vi) cross-cutting and cross-sectoral issues.

The objectives of the FSDS as defined under the draft National Fisheries Sector Policy of 2010 shall be to:

- (a) Ensure effective management and control of the fisheries resources;
- (b) Ensure adequate information on the fisheries resource base is known for proper planning, management and development;
- (c) Improve quality, quantity and distribution of fish and fishery products for efficient utilisation and market competitiveness;
- (d) Strengthen research institutions, develop national fisheries applied research agenda and encourage research collaboration;
- (e) Develop and strengthen human resource capacity based on assessed needs;
- (f) Improve the collection, processing, storage, accessibility, utility, exchange and dissemination of fisheries data and information;
- (g) Provide quality extension services that meets the needs of fishers, aqua farmers and other stakeholders;
- (h) Protect and conserve aquatic biodiversity; regulate fisheries productivity and ecosystem processes for maintenance of a sustainable aquatic resource base;
- (i) Promote aquaculture which is socially acceptable, technically feasible, economically viable and environmentally sustainable;
- (j) Strengthen and develop national, regional and international cooperation and collaboration for conservation, management and sustainable utilisation of fisheries resources and aquaculture development;
- (k) Improve the legal framework and strengthen the capacity for monitoring and enforcement of laws governing the fisheries sector; and
- (l) Strengthen the institutional framework and make it more effective in the administration of the fisheries sector.

Annex H: relevant non-fishery national policies and frameworks

National Strategy for Growth and Reduction of Poverty (World Bank, 2006)

The need for sustainable use of the country's natural resources as a means to alleviate rural poverty was emphasised in the 2006 National Strategy for Growth and Reduction of Poverty (NSGRP I); in the Second National Strategy for Growth and Reduction of Poverty (NSGRP II) to be implemented between 2010/11 and 2014/15 and known as MKUKUTA II, the focus continues to be that of accelerating economic growth, reducing poverty, improving the standard of living and social welfare of the people of Tanzania as well as good governance and accountability. In respect to the fisheries sector the immense potential of the fresh and marine waters are noted and that if they are sustainably utilised they could contribute to improving livelihoods. While the main challenges to the sector are noted as: illegal fishing; trafficking of fish and fishery products across borders; the use of inappropriate fishing gears by small- and medium-scale fisherfolk; limited credit; resource degradation; and high post-fishing losses.

National Adaptation Programme of Action (NAPA) (United Framework Convention on Climate Change, 2007)

The URT NAPA was developed in January 2007, and due to the country's dependence on natural resources, is targeted towards sustainable development through strategic actions to address climate change impacts on agriculture and other key economic sectors. It promotes the protection of water bodies as they sustain the livelihood of the local communities through fishing, as well as coral reef protection as these are important for the tourism and fisheries industries. The NAPA emphasises the protection of wetland habitats and mangroves, integral parts of the coastal fisheries industry that provide critical spawning and nursery grounds, as well as a source for boat-building and fish-smoking material. It encourages a reduction in destructive fishing practices and over-fishing.

Compact For Supporting Agricultural the URT Comprehensive Africa Agriculture Development Programme (CAADP) (URT, 2010)

The URT government signed the CAADP compact on 8 July 2010. The goal of the CAADP is to support the achievement of the goals of the National Strategy for Growth and Poverty Reduction, and eventually achieve the goals of the Development Visions 2025 and 2020. Stating that URT's immense fishery resource potential could contribute to improving the people's livelihoods, it aims to increase and support and incentives for artisanal fishers and promote livestock, fisheries and aquaculture development.

United Nations Development Assistance Plan (UN, 2011)

The UNDAP for Tanzania was signed in June 2011, with the intention of supporting the achievement of the Millennium Development Goals (MDGs) and Tanzania's development priorities. It states one of the challenges of achieving these objectives as the unsustainable harvesting of natural resources, and highlights illegal fishing in particular as a threat to marine stocks. One of the key actions of the UNDAP will be to target areas for the implementation of an 'ecosystem approach' to fisheries and reduce IUU fishing.

Tanzania National Trade Policy (URT, 2003)

Tanzania's Trade Policy was developed in 2003 with the goal to facilitate smooth integration into the Multilateral Trading System (MTS) and ensure that liberalisation offers meaningful and identifiable benefits. The policy identified fish and fish products as one of the products with high growth potential and encouraged private sector initiatives to target fisheries amongst other high-priority sectors.

Annex I: marine and coastal protection

The general objectives of the MPAs include:

- Protection, conservation and restoration of the species and genetic diversity of living and non-living marine resources and ecosystem processes of marine and coastal areas;
- To stimulate rational development of under-utilised natural resources;
- To manage marine and coastal areas to promote sustainability of existing resource use, and the recovery of areas and resources;
- To ensure that communities in the vicinity of marine parks and reserves are involved in all the processes of management and share the benefit of protected areas;
- To promote community awareness on sustainable conservation of marine parks and reserves resources; and
- To facilitate research and monitoring of resource conditions and uses (Julius, A., 2005).

Table A shows the marine protected areas in the URT.

Table A: marine protected areas in the URT

Name	Year implemented	IUCN Cat.	Total area (km ²)	Governance type
Saadani	1969	-	70	Government
Maziwe Island	1981	II	2.6	Government
Chumbe Island Coral Park	1991	II	0.3	Private
Mafia Island	1995	VI	615	Government
Menai Bay	1997	VI	470	Collaborative
Pemba Channel	2005	-	-	Government
Mnemba Island	2002	VI	0.15	Private
Misali Island	1998	VI	21.6	NGO
Kiwengwa	2000	-	18.5	-
Mnazi Bay-Ruvuma Estuary	2000	-	200	Government
Dar es Salaam Reserves	175	II	26	Government
Tanga collaborative Management Areas	1996-2000	-	1598.5	Collaborative
Nyororo, Shungumbili and Mbarakuli	2007	-	-	Government

IUCN Protected Areas Categories System: Ia Strict Nature Reserve, Ib Wilderness Area, II National Park, III Natural Monument or Feature, IV Habitat/Species Management Area, V Protected Landscape/ Seascape, VI Protected area with sustainable use of natural resources.

Source: Marine Conservation Agreements Toolkit, 2012

The key policy and legislation relating to marine and coastal protection in both mainland Tanzania and Zanzibar are provided in Tables B and C. This demonstrates the complexity of the overlapping legislation by mainland Tanzania and those of Zanzibar relating to the legislative coverage of natural resources issues, including coastal and marine resources¹⁴⁶. This overlap presents a challenge in implementing the MPAs. The main goal of the URT's MPAs is to ensure sustainable conservation of coastal resources for the benefit of present and future generations with the vision of establishing well-managed, integrated networks of marine and freshwater protected areas, which will ensure the sustainability of the URT's aquatic biological diversity and ecological processes.

Table B: key policy and legislation relating to marine and coastal protection in mainland Tanzania

Policy or law	Relevance
<i>Policies and frameworks</i>	
National Environmental Policy (NEP, 1997)	Overarching national environmental policy focused on the conservation of the environment and effective use of natural resources
National Integrated Coastal Management Policy (2003)	Outlines commitment to sustainable coastal governance and champions integrated coastal management
National Wildlife Policy	Sets out simple, transparent procedures for stakeholder participation in the wildlife-based tourist industry, as well as for investment in other wildlife activities
National Fisheries Policy	Gives priority to artisanal fishermen to help them improve their fishing methods and gear
National Tourism Policy	Aims to promote environmentally friendly tourism in protected areas. Also highlights the need for conservation of wildlife parks, reserves and other important natural areas
<i>Legislation</i>	
Environmental Management Act (EMA, 2004)	Overarching legal framework for the management of mainland Tanzania's environment
Marine Parks and Reserves Act (1994)	Provides for the establishment, monitoring and management of marine protected areas
Wildlife Conservation Act (1974)	Announces national parks
Fisheries Act (2003)	Regulates the fishing industry, especially in MPAs
Forest Act (2001)	Designates mangrove forest reserves and encourages community-based management

Source: Marine Conservation Agreements Toolkit, 2012

¹⁴⁶ Marine Conservation Agreements Toolkit, 2012. Country and State Analyses: Tanzania. Available: http://www.mcatoolkit.org/Country_Analyses/Tanzania.html [accessed on 2013, October 13].

Table C: key policy and legislation relating to marine and coastal protection in Zanzibar

Policy or law	Relevance
<i>Policies and frameworks</i>	
National Environmental Policy (1992)	Overarching national environmental policy focused on sustainable protection and management of Zanzibar's natural resources
<i>Legislation</i>	
Environmental Management for Sustainable Development Act (1996)	Overarching legal framework for the management of Zanzibar's environment
Fisheries Act (1998)	Provides for formation of MPAs in territorial waters
Forest Resources Management Act (1996)	Provides legal framework for establishment of protected areas including community-based management
Zanzibar Investment Act (1986)	Promotes Foreign Direct Investment and sets up The Zanzibar Investment Promotion Agency (ZIPA) as overarching implementing body
Land Tenure Act (1992)	Decrees that land cannot be privately owned but may be leased for a maximum of 33 years

Source: Marine Conservation Agreements Toolkit, 2012

Annex J: Zanzibar village fishermen committees – a personal account**An account by Mohammed Sulieman Mohammed, Chairman of the Fumba Village Fishermen Committee**

“Fishing is important to the people of Zanzibar with many in our communities reliant on fish for food as well as for their livelihoods. For many years the fishers around Zanzibar used destructive and unsustainable fishing methods, such as drag nets and dynamite blasting, and these had a really bad effect on the fish and the seas around Zanzibar. The government found it difficult to stop these damaging practices or to enforce conservation policies in this area because of understaffing and poor financial resources.

In the 1990s the fishers around Zanzibar began to suffer from extremely low catches. Fishers were spending much more time at sea, but their catches were small, almost nil on some days.

By 1994 the situation had become so bad that the villagers were motivated to ask government authorities for greater control and responsibility for the marine resources. The government, with support from WWF, assisted communities in setting up Village Fishermen Committees.

I was fully involved in the setting up of the Fumba Village Fishermen Committee. Fumba is one of the villages along the Menai Bay Conservation Area. My major role was to mobilise fishers to work together and to give them training on the importance of management of marine resources. I was also involved in mobilising fishers in my village to turn up to election meetings; it was important that everyone had a say and chose who represented them.

Before the Village Fishermen Committees were formed, we used to think that the marine resources belonged to the government. No one took any care and they were not worried if they saw somebody using destructive fishing methods. After the formation of the Village Fishermen Committees, and after attending a series of classes on environmental education, every fisher believed that the marine resources were his and had to be used sustainably. Over the last ten years we have seen a regeneration of our marine resources, so fishers catch more fish and sell them at good prices. These increased fish catches have led to the increased wellbeing of fishers.

As a result of effective surveillance made jointly by government and Village Fishermen Committees, the marine resources have thrived, coral reefs are now in good condition and rare marine mammals like dolphin and whales are now common. This has resulted in booming tourist activities within the area, which helps our local economy.”

Source: Tindall, C., 2012

Annex K: tuna and tuna-like fishes recorded in the URT

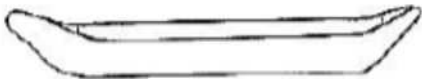



Latin name	Common English name	Local name
Family: Scombridae (tuna species)		
<i>Acanthocybium solandri</i>	Wahoo	Local names: Nguru-maskati, Nguru-ngazija
<i>Auxis thazard</i>	Frigate tuna	Sehewa
<i>Euthynnus affinis</i>	Kawakawa	Sehewa, Jodari
<i>Gymnosarda unicolor</i>	Dogtooth tuna	Jodari
<i>Katsuwonus pelamis</i>	Skipjack tuna	Zunuba
<i>Sarda orientalis</i>	Striped bonito	Nguru
<i>Scomber japonicus</i>	Chub mackerel	Nguru
<i>Scomberomorus commerson</i>	Narrow-barred Spanish mackerel	Nguru, Nguru-maskati
<i>Scomberomorus plurilineatus</i>	Kanadi kingfish	Nguru kanadi
<i>Thunnus alalunga</i>	Albacore	Jodari
<i>Thunnus albacares</i>	Yellowfin tuna	Jodari
<i>Thunnus obesus</i>	Big eye tuna	Jodari
<i>Thunnus tonggol</i>	Longtail tuna	
Family: Xiphiidae (tuna-like species)		
<i>Xiphus gladius</i>	Sword fish	Sansulu, Nduwalo
Family: Istiophoridae (tuna-like species)		
<i>Istiophorus platypterus</i>	Sailfish	Nduwalo
<i>Makaira indica</i>	Black marlin	Nduwalo
<i>Makaira mazara</i>	Blue marlin	Nduwalo, Samsuli
<i>Tetrapturus angustirostris</i>	Shortbill spearfish	Samsuru, Salisuli, Samsuli
<i>Tetrapturus audax</i>	Striped marlin	Salisuli, Samsuli

Source: MFLD

Annex L: description of craft categories

DESCRIPTION OF CRAFT CATEGORIES

Sketches and description of the fishing craft types operating in Lake Victoria

Vessel type	Description
<p>1. Dugout boat</p> 	<ul style="list-style-type: none"> Curved out of a whole log of a tree. Common size, 4 to 5 m long Entirely propelled by paddle Operated exclusively in the littoral areas targeting Nile tilapia The main fishing gears used are gillnets and basket traps
<p>2. Parachute</p> 	<ul style="list-style-type: none"> Constructed from planks of timber Flat bottomed Common size, 4 to 6 m long Entirely propelled by paddle Operated exclusively in the littoral areas targeting Nile tilapia The main gears used are gillnets, cast nets and basket traps
<p>3. Sesse pointed at both ends</p> 	<ul style="list-style-type: none"> Constructed from planks of timber V-shaped bottom with a keel Common size, 6 to 10 m long Propelled by paddle or sails Operated in the littoral and sub-littoral areas, up to about 3 km from the shore Largely unspecialised, i.e. used in the Mukene/Dagaa /Omena fishery with small seines; in the Nile tilapia fishery with gillnets, cast nets and basket traps; and in the Nile perch fishery with gillnets, beach seines, long lines and hand lines
<p>4. Sesse flat at one end</p> 	<ul style="list-style-type: none"> Constructed from planks of timber V-shaped bottom with a keel Common size, 5 to 12 m long Propelled by paddle, sail or out board motor Largely unspecialised, i.e. used in the Mukene/Dagaa /Omena fishery with small seines; in the Nile tilapia fishery with gillnets, cast nets and basket traps; and in the Nile perch fishery with gillnets, beach seines, long lines and hand lines

Source: extracted from the Regional Frame Survey Report 2012

Annex M: approved processing plants for exporting fishery products to the EU

The latest list published in October 2011¹⁴⁷ showing 15 processing plants for fishery products (one of them being aquaculture) approved by the competent authorities for export.

Approval number	Name	Region	Activities
A-PP-200	Tanpesca Mafia Ltd	Mafia, coast region	Processing plant, aquaculture
A-PP-205	Vic Fish Ltd	Mwanza	Processing plant
A-PP-207	Tanperch Ltd	Mwanza	Processing plant
A-PP-208	Nile Perch Ltd	Mwanza	Processing plant
A-PP-209	Tanzania Fish Processors Ltd	Mwanza	Processing plant
A-PP-210	Mwanza Fishing Industries	Mwanza	Processing plant
A-PP-215	Omega Fish Ltd	Mwanza	Processing plant
A-PP-218	Sea Products Tanzania Ltd	Tanga	Processing plant
A-PP-220	Royal African Lobster Tropical Ltd	Dar es Salaam	Processing plant
A-PP-221	Prime Catch (Exports) Ltd	Mara	Processing plant
A-PP-223	Alphakrust Ltd	Dar es Salaam	Processing plant
A-PP-224	Musoma Fish Processors Ltd	Mara	Processing plant
A-PP-225	Kagera Fish Company Ltd	Kigoma	Processing plant
A-PP-227	Bahari Foods Ltd	Dar es Salaam	Processing plant
A-PP-229	Vicfish Ltd	Kagera	Processing plant

¹⁴⁷ https://webgate.ec.europa.eu/sanco/traces/output/TZ/FFP_TZ_en.pdf [accessed on 27 November 2013]